

April 4, 2006



TRANSCRIPT
April 4, 2006

MONTGOMERY COUNTY COUNCIL

PRESENT

George Leventhal, President	Marilyn J. Praisner, Vice President
Phil Andrews	Howard Denis
Nancy Floreen	Michael Knapp
Thomas Perez	Michael Subin

ABSENT

Steven A. Silverman

1
2
3
4



April 4, 2006

1 Council President Leventhal,
2 Good morning, ladies and gentlemen. It appears that our friend who was going to
3 deliver the invocation is delayed and not going to be able to make it. So let's get started
4 with a moment of silence, please. Thank you. Ms. Lauer, are there any Agenda or
5 Calendar changes?

6
7 Linda Lauer,

8 Yes. We have some changes to the Consent Calendar today. The introduction of the
9 property tax credit income tax offset, you'll have two resolutions we're introducing today,
10 one sponsored by Councilmember Silverman and one by Councilmember Praisner. Two
11 additions: introduction of a special appropriation for the State's Attorneys' Office, public
12 hearing and action is scheduled for April 18th, and introduction of a resolution to amend
13 the Fuel Energy Tax Rate sponsored by Councilmember Praisner, and...

14
15 Council President Leventhal,
16 Petition?

17
18 Linda Lauer,

19 There is a petition. We have received a petition from the residents of Montgomery
20 County supporting full funding of the library's budget.

21
22 Council President Leventhal,

23 Thank you very much. We have a proclamation by Councilmember Knapp regarding
24 Autism Awareness Month.

25
26 Councilmember Knapp,

27 Thank you, Mr. President. As you indicated, April is Autism Awareness Month and I
28 would like to have the folks from the Montgomery County's Autism Society come up and
29 join me. Karen Hutchinson, my neighbor, and Liz Roth who are co-Presidents of the
30 Montgomery County Chapter, I will ask them to have them say just a few words about
31 Autism, a disease -- or an illness that many people are learning more and more about
32 because it's the most common pervasive developmental disorder that we know.
33 Affecting right now and estimated one in 166 births, but is growing at a rate which could
34 have an impact of nearly four million Americans over the course of the next decade.
35 And so, it's clearly something that more and more people are paying attention to, as well
36 they should. As we know, there is no single cause -- no known cause for Autism. We
37 think there is a genetic component to it, but we haven't actually isolated the genetic
38 element. And so, we're continuing to do, and focus attention on research and make sure
39 that we're putting resource in that direction, but more importantly, to make sure the we
40 just have an understanding and awareness, and that's what this does, and I see that
41 you have given us all a brochure, "What Is Autism?" and I appreciate that. And I wanted
42 to read the proclamation and turn it over to you to have you tell us a little more about
43 what we all need to be paying attention to. So, Proclamation for Montgomery County,
44 Maryland. "WHEREAS, Autism is a severely incapacitating lifelong developmental
45 disability, resulting in significant impairment of individuals' ability to learn, develop



April 4, 2006

1 healthy interactive behaviors, and understand verbal, non-verbal, and reciprocal
2 communication. And WHEREAS Autism is the third most common developmental
3 disability affecting 500,000 individuals nationwide." I guess we have to update the
4 numbers.

5
6 [LAUGHTER]

7
8 Councilmember Knapp,

9 "WHEREAS Autism is the result of a neurological disorder affecting the function of the
10 brain, but few members of the general public understand this complex syndrome. And
11 WHEREAS a cure for Autism is not found, the persons with Autism can be helped to
12 reach their greatest potential. And WHEREAS accurate, early diagnosis and resulting
13 appropriate education intervention are vital to the future growth and development of the
14 individual. And WHEREAS support groups such as Montgomery Chapter of the Autism
15 Society of America have dedicated years of service in their ongoing efforts to advocate
16 for the rights, human treatment, and appropriate education of all persons with Autism.
17 And WHEREAS these groups remain committed to the cause of the educating families,
18 professionals and the general public to better understand this lifelong disability, and
19 ensure that individuals with Autism living in Montgomery County and all other
20 Americans with Autism are accurately diagnosed and appropriately treated throughout
21 their lives. Now therefore be it resolved that the County Council of Montgomery County,
22 Maryland, hereby proclaims April, 2006, Autism month in Montgomery County, signed
23 April 4th, 2006, George Leventhal Council President.

24
25 Multiple Speakers,
26 Thank you.

27
28 Councilmember Knapp,

29 Thank you very much, and thank you for taking the time to come up and inform us all.

30
31 Elizabeth Roth,

32 We appreciate it. We'd like to say thank you. I'm going to turn around and say thank
33 you.

34
35 [LAUGHTER]

36
37 Elizabeth Roth,

38 I always have my back to you all when sometime I'm really speaking to you to say
39 thanks to everything that you've done over the years for all of the people with
40 disabilities. Thank you. Thank you. We do work, but you do the work, too, and we do
41 appreciate it, and you help get the money. This disability, as Mike said, affects a lot of
42 people, and it's increasing. We, the Montgomery County Chapter, are parents and
43 professionals who are dedicated to improving the lives of all people with Autism and
44 also their families, so that their families can also be able to live. We have our children
45 win the school system who get an education and they have the federal entitlement.

April 4, 2006



1 They also get money from the State of Maryland, Montgomery County, which helps with
2 their education. Our children grow, and they become adults, they don't have
3 entitlements anymore. So, we depend on the D.D. Council -- D.D. Administration to
4 provide services, the State of Maryland and Montgomery County with all they have
5 done. We have residential services, vocational services, and a lot of our kids sit at home
6 when they become adults because there are no services. And we need the help of the
7 of the County Council and the citizens of Montgomery County and the State to help us
8 get more service providers so that we can have places for our individual loved ones to
9 go and either be in a residence, if it's needed for them, or to have a day program where
10 they can go to work and give back to the community, because they have received this
11 education. We have a number of service providers in Montgomery County and a few of
12 them that work with people of Autism, our Community Support Services, [C-SAC], the
13 ARC, Centers for the Handicap, Incorporated, and many others, but they don't have
14 enough spaces to take care of all these people. The waiting list in the State of Maryland,
15 Montgomery County is critical, because all the kids who are educated grow up, as I
16 said, and they don't have a place to go. So, this is why we need service providers to be
17 able to continue on, because we've educated them to be able to get jobs and now they
18 can't get jobs because there is nobody to help them to do that -- more of them. Okay.
19 Sorry, I usually read without my glasses. The ASA National is working through its
20 Government Relations Committee with members of Congress and our Representatives
21 to work toward getting entitlements for people with disabilities. And this is a very hard
22 thing to work through, but we know it's something that is needed. Guys, Metro access.

23
24 Multiple Speakers,
25 [INAUDIBLE]

26
27 Elizabeth Roth,
28 We have all heard many of the horror stories that have happened with Metro access, it's
29 a much-needed thing. Our elder adults use it who, aren't disabled. Our older adults with
30 disabilities disabled use it, our... any adults use it, and this is where we're having
31 problems, because MV, or whoever, doesn't understand our disabled population. They
32 can understand our older adults because they can speak, and they can say, "Hey, this
33 is not where I'm supposed to be," but our whole community can't talk, and we are at the
34 mercy of whoever is driving the car or giving the directions. And my latest one -- I have
35 had one before, years ago, my son was left off at the beer and wine store when it was
36 not even open, and the driver said "but I left him at his office." No way under the sun.
37 So, that was taken care of, but just two weeks ago, we had another incident. Three-hour
38 drive, guys, from Shady Grove Road to Olney -- 25-minute ride at the best. Three hours
39 because the dispatcher said "I'll take them all going down to Bethesda." The driver was
40 supposed to go to Olney first then to Bethesda because he had to sit there for 2 1/2
41 hours for somebody who wasn't supposed to there for 2 1/2 hours, and then pick up
42 other people. And they didn't tell us, they said "Andrew's on his way home, we'll send
43 another car, we made a mistake." Well, none of it happened. The driver was the original
44 driver. Okay, so we need to work and get this good for our people.



April 4, 2006

1 Councilmember Knapp,
2 Yes.

3
4 Elizabeth Roth,
5 We all want to make it good because it's important. Okay, and now, our puzzle pins.
6 Okay. This is to symbolize that Autism is truly a puzzle; many, many facets to it. As
7 Mike said, genetic, environment, education, everything, and we need through the
8 research people, National Alliance for Autism Research, Autism speaks, Cure Autism
9 Now, and other organizations who are really into the medical research and NIH does a
10 lot. The Autism Society of America and the Montgomery County Chapter we're
11 advocates for people with disabilities and we tried to see, too, that services for
12 education and for the adults. It symbolizes we have hope that this puzzle will be solved
13 with all of these facets. Thank you.

14
15 Councilmember Knapp,
16 Thank you very much.

17
18 Elizabeth Roth,
19 And, again, this is my testimony for the budget, guys. I won't come back.

20
21 [LAUGHTER]

22
23 Elizabeth Roth,
24 You're welcome.

25
26 Councilmember Knapp,
27 You win points for that, by the way.

28
29 Elizabeth Roth,
30 Thank you. Thank you so much. Yeah, I'm just going to sit here, that's good. Cool, cool.
31 Thank you.

32
33 Councilmember Knapp,
34 Thank you very much.

35
36 [APPLAUSE]

37
38 Elizabeth Roth,
39 Thank you very much. Thanks.

40
41 Council President Leventhal,
42 Thank you very much to our parents. You have our support. Okay. Let's -- I need a
43 motion to approve the Consent Calendar. We don't have a quorum. We do, Mr. Knapp
44 is still here. And Mr. Andrews has moved and Ms. Praisner seconded it the Consent
45 Calendar. And Ms. Floreen has comments?

April 4, 2006



Councilmember Floreen,

Thank you, Mr. President. I wanted to make a brief comment on item 2-E, that is the Water Quality Protection Charge. Could we make a note that at the public hearing or at the work session we have some understanding of the position of the City of Takoma Park, and the City of Rockville, because apparently they're not subject to the Water Quality Protection Charge. I don't know if they're aware of that, or if there is history there, or what. But I was reminded of that when we got the notice and I'd like some better information. And, Keith, if you would convey that to the City of Takoma Park, and the City of Rockville. Thank you.

Council President Leventhal,

Thank you, Ms. Floreen. Ms. Praisner.

Councilmember Praisner,

I had a couple of comments. One on the introduction of item 2-B: the Supplemental Appropriations for the Fire Apparatus Replacement. This certificate of participation process is a new one for the Council consideration and discussion, and I have asked for an MFP Committee discussion on that. So, I think in order to be efficient, we might be doing a joint meeting on that issue. The other question is, of course, trying to understand the relationship of the apparatus to the long-range plan for Fire. And the question, of course, is the pace and prioritization, and I think we will have to look at that issue as well. Secondly, I would like to comment on the special appropriations for the relocatable classrooms. Those two items which are listed as "H" and the one that is "I". I understand the request for the relocatables in order to accelerate the all-day kindergarten. Certainly that has an operating budget implication. I agree with the Committee's recommendation. But I think in the long run, we'll need to talk about, given the concern that's community has raised about relocatables and the Superintendent's plan that might be coming to us, the relationship of what options might be available to us for purchased relocatables that we may no longer need, and how there may be a savings in the reuse, external to the County, that we might generate in that concept. And finally, I understand the comment about Linkages To Learning being a Department of Health and Human Services rather than School System issue, but it confuses me a little bit because, unless the State has changed the eligibility for reimbursement concepts introduced under Parris Glendenning, Governor Glendenning, which I worked hard to get as an option, community space for supporting services for those children was an eligible reimbursement as well. So, I want to make sure that in our semantics of separating something from the project, we're not jeopardizing the capacity to seek reimbursement as an eligible cost. Mr. Hawes is shaking his head, but I want to -- you don't have to come up, Dick. My point is in our trying to be pure as to what is a school system classroom space need versus what is a support service, I am not sure we need to do that from an eligibility perspective. We may want to do it from a record-keeping perspective. Unless this Governor has changed the rules, there was space eligible for health room, community support services as an eligible cost. I think we have bigger fish



April 4, 2006

1 to fry on the issue of how they calculate the eligible cost and not on the use issue, which
2 I don't think there is a debate about. So, those are my only comments.

3
4 Council President Leventhal,
5 We are ready to approve the Consent Calendar. Those in favor of the Consent
6 Calendar will signify by raising their hands. It's unanimous among those present. Let me
7 make those present and the public aware that Councilmember Silverman had a death in
8 the family and he's attending a funeral in New York State today. So, he's not able to be
9 with us. The Consent Calendar is approved; we have now have Legislative Session,
10 Introduction of Bills. Nancy, do you have -- your light is still on.

11
12 Councilmember Floreen,
13 Oh, no.

14
15 Council President Leventhal,
16 Okay, Expedited Bill 6-06, Property Tax Credits Revisions. There is a public hearing
17 scheduled on April 27th. We move now to District Council Session. We have
18 Introduction of Zoning Text Amendment 06-11, a Wheaton Overlay Zone. We need a
19 motion -- we need a resolution motion to adopt a resolution to establish a public hearing
20 on June 13.

21
22 Councilmember Floreen,
23 So moved.

24
25 Councilmember Knapp,
26 Second.

27
28 Council President Leventhal,
29 Ms. Floreen moved and Mr. Knapp seconded the resolution to establish the public
30 hearing on June 13th, those in favor of the resolution will signify by raising their hands.
31 The public hearing will be held on June 13th. Mr. Perez.

32
33 Councilmember Perez,
34 Thank you, Mr. President. I wanted to, first of all, begin by thanking my friend and
35 colleague, Marilyn Praisner, for her help in the work that went into the drafting of this. I
36 also want to thank Joe Davis who's here. Joe has spent a lot of time and energy on this
37 issue of transforming Wheaton into a true Smart Growth Zone. I also want to thank a
38 number of community members in Wheaton, we have heard a significant amount of
39 feedback from the two advisory Committees, The Redevelopment Steering Committee
40 and the Wheaton Urban District Advisory Committee. And as a result of the outreach
41 that we have done over the last two years, we have learned a lot of things. Number one,
42 if you go to the Wheaton Metro, you might ask yourself the question why is it that near
43 Metro station, there is relative -- such relatively little development taking place there?
44 Well, in the case of Wheaton, there is actually an answer for that, and the answer is
45 back in 1990 when the Metro came in, a Text Amendment was passed establishing an

April 4, 2006



1 Overlay Zone, the purpose which of was to limit development near the Metro station at
2 Wheaton. Mission accomplished. And as a result, Wheaton has not had the
3 opportunities to transform into the Smart Growth Zone that we want it to become. As a
4 result, we have had a host of community dialogue, a number of charrettes in the
5 community, Joe and others, Natalie Cantor from the Mid-County Services Center,
6 exceedingly helpful in this, and we learned a number of things from those charrettes,
7 including but not limited to the fact that small businesses were very hamstrung in their
8 ability to expand. The most perhaps conspicuous example being the owner of the
9 Hollywood East Restaurant who, when she tried to expand and add a canopy so she
10 could have outdoor seating, the cost of going through Site Plan Review, because we
11 have a one-size-fits-all process for expansion in Wheaton, she ended up having a
12 lawyer's Full Employment Act and an engineer's Full Employment Act and we lined the
13 pockets of Lawyers and Engineers at the expense of small business owners. And so we
14 certainly learned that our rules in place under the Overlay Zone were tying the hands of
15 small businesses that were seeking to expand. We also learned that if we are going to
16 transform Wheaton into a true Smart Growth Zone, we need to trade off building height
17 for greenspace. And so what this proposal does is actually provide new and additional
18 flexibility on building height, allowing buildings right at the Metro to be as high as 125
19 feet if and only if the developers of those buildings agree that a substantial percentage
20 of the retail space will be small business because one of the things we learned loudly
21 and clearly from that was that we wanted to preserve small business. We want small
22 business to ride the wave of revitalization in Wheaton and not be engulfed by the wave
23 of revitalization. And so this text amendment does provide additional flexibility on
24 building height at the Wheaton Metro Station within the Overlay Zone, but in exchange
25 for promises you that ensure that you have small business located in the retail space
26 and that you take efforts to preserve greenspace, because we are going to trade off
27 building height for greenspace. That's what we heard that from the community, that
28 there was a willingness -- indeed a desire to do that. We have a real vision that we
29 have, that the community has come up with for a revitalized Wheaton. We can not
30 realize that vision unless and until we amend the Overlay Zone, among other
31 interventions that we have to do, and this text amendment is that stage of amending the
32 Overlay Zone to provide the flexibility in building height, provide flexibility for small
33 businesses seeking to expand by including a requirement that if you are under 20,000
34 square feet and you're seeking to expand, you can do so without having to go through
35 the onerous process of Site Plan Review. We will continue, because frankly this text
36 amendment alone is not going to solve the problem. What's also going to solve the
37 problem and the challenges of Wheaton revitalization is we're going to have to come up
38 with a comprehensive vision for Wheaton. And I've enjoyed the work I've done, not only
39 with Joe Davis, but with the Chair of the Planning Board, whose has been very focused
40 on the issue of Wheaton revitalization. I also -- we need to work with the Department of
41 Economic Development to ensure that when the text amendment passes -- and I am
42 confident it will -- that we then put ourselves in the situation where the small businesses
43 that we want to locate in these new buildings that are going to come in are capable of
44 locating. And so we have got to work to develop a bankable book of small businesses
45 so that when our new buildings come in, we can have a Wheaton that continues to be

April 4, 2006



1 the wonderful character of small businesses that is Wheaton now. I love Starbucks,
2 great place. But, frankly, I would rather see Majorca in downtown Wheaton, and we're
3 going work hard to make sure that we retain the local business flavor in downtown
4 Wheaton. So this is a real transformation of Wheaton. This is a new paradigm for
5 Wheaton. This is the process of turning Wheaton into a true Smart Growth Zone. This is
6 what we're talking about when we say, if we're going to grow as a County over the next
7 20 years, we've got to look at our centers where we have the infrastructure, and we've
8 got to rethink what we're doing there. And that's precisely what we're doing with the
9 assistance of the community, first and foremost. I vetted this with developers, with
10 community members, we had a town hall meeting that Ms. Praisner and I were present
11 at which we had roughly 100 people, developers, longtime community members, new
12 members who lived in the brownstones, many of whom I didn't know. It was a very
13 fruitful listening session and from that, we have drafted this text amendment. I look
14 forward to the public hearing and I look forward to passage, because this is a
15 necessary, albeit insufficient condition of ensuring that we bring Wheaton into the next
16 level of revitalization that I believe it can achieve. And I am very grateful to Ms. Praisner
17 for her help, to Mr. Davis, to Mr. Berlage, and to others for their very helpful insights.

18
19 Council President Leventhal,
20 Ms. Praisner.

21
22 Councilmember Praisner,
23 Thank you, I want to commend my colleague, Councilmember Perez, and as well thank
24 members of the Planning Board -- staff and Planning Board and Joe Davis and Natalie
25 Cantor, and especially thank the community of Wheaton for coming together in the most
26 recent occasion for the town hall meeting that we had relative to this concept, and
27 providing an opportunity for comment, which will continue through the introduction of
28 this Zoning Text Amendment. I think my colleague and I are certainly open to hearing
29 what fine-tuning there may be recommended among community members as we look at
30 this issue. It's not without some disagreement and debate. It wouldn't be Montgomery
31 County if it weren't to have that kind of dialogue and it's not unlike the community of
32 Wheaton. But this is, unlike other areas of the County where we have examined the
33 underpinning of zoning and had a chance to massage and reflect on it, we have not had
34 that opportunity on the core of Wheaton as it relates to the impacts of Metro and the
35 objectives that we have for attracting and retaining the diversity, including small
36 business, that makes Wheaton special as far as the County is concerned and special to
37 those who live and work in the area. So, I think these modifications help actually to
38 implement the original vision and overcome some of the challenges that we have
39 identified. If in the last 16 years, I think, there have only been four projects within the
40 core, while all that activity occurs outside of where the Overlay Zone is applied it raises
41 the issue which this Zoning Text Amendment seeks to resolve. Because our priority,
42 obviously, is not exclusively at the core, but if the core isn't working, if the Overlay Zone
43 area, which is right ground zero, as far as Metro is concerned is not working
44 appropriately and everything is happening in the pressures to change are happening
45 outside of that area, then something's wrong. Then we will have pressures for actions

April 4, 2006



1 that are not consistent with that goal of protecting neighborhoods and encouraging
2 development, but encouraging it in a appropriate way. So, I see that Zoning Text
3 Amendment as a fulfillment of that original vision and a fine-tuning of that vision in order
4 to make it even more possible. And I thank everyone, my only regret is that Shirley
5 [Lynn] is not alive now to participate in this process to push us, to prod us on it, to tell us
6 where show thinks we're wrong and to help us to get it right, which certainly Shirley had
7 done over the years. I know her daughter will be participating in the process and she will
8 be a terrific surrogate for Shirley, but this is actually for Shirley in my view.

9
10 Council President Leventhal,

11 All right, thank you both. We now have introduction of a resolution to amend fees for the
12 administration and enforcement of sign permits and licenses and add fees for signs
13 subject to Park and Planning site plans. We need a motion to establish a public hearing
14 and we have the motion made by Ms. Praisner and seconded by Mr. Perez to establish
15 the public hearing on April 27th. Those in favor of the resolution will signify by raising
16 their hands. It's unanimous along those present. Next, we have a resolution to establish
17 fees for non-conforming use certification.

18
19 Councilmember Praisner,
20 So moved.

21
22 Council President Leventhal,

23 Ms. Praisner has moved and Mr. Andrews seconded a resolution establishing a public
24 hearing on April 27th. Those in favor of the resolution will signify by raising their hands.
25 That is unanimous among those present. Next, we have action on a resolution to
26 establish an Ad Hoc Agricultural Policy Working Group. A notice is going out today
27 advertising for members of this Agricultural Policy Working Group. We are calling on the
28 working group to undertake a thorough review of pending and potential legislation
29 concerning the RDT Zone, including the child lock program, the proposed building lot
30 termination program, uses of sand mound technology, and technical tracking and use
31 issues associated with the TDR program to assure that this review provides a clear
32 understanding of how each of these proposals interact with each other and consider the
33 potential for unanticipated negative consequences, proceed in a way that respects the
34 concerns of all stakeholders, and update the Council on its progress and submit a final
35 report to the Council within calendar year 2006. Since this resolution was introduced a
36 week ago we've received a number of expressions of interest from community
37 members. I am confident that this will be a very strong and committed and balanced and
38 representative working group with significant expertise and background in these issues.
39 But we will keep the period of time open for applying to the working group until Friday,
40 April 21st and that is the notice that is going out today, soliciting expressions of interest
41 in serving on the working group. We will take the expressions of interest until Friday,
42 April 21st. Expressions of interest should be directed to Justina Ferber of the County
43 Council Staff. There are no lights. Those in favor of the resolution -- Mr. Knapp wanted
44 to comment.

April 4, 2006



1 Councilmember Knapp,

2 Thank you, Mr. President. I just wanted to comment briefly. I appreciate the efforts of
3 those who have had a discussion as to how to set up the working group. Obviously we
4 have taken great strides over the course of the last months to strengthen our
5 commitment to the Ag Reserve and show that commitment in the measures we have
6 taken. There continues to be a fair amount discussion of very critical issues as it relates
7 to the Ag Reserve and the preservation of agriculture and the land on which that
8 agricultural can be conducted. One of the things that I find very troubling over the last
9 few weeks has been that there have been -- there continue to be issues that will divide
10 and those issues won't go away. That notwithstanding, looking at the last Committee
11 meetings, I have witnessed they, the issues in this community right now I find to be
12 amazingly divisive in that there are communities throughout the Upcounty where people
13 who used to be able to walk into rooms and have good conversation with each other,
14 are finding it difficult to do that without trying to figure out who is in the room and whose
15 side they are on and what kind of conversation they're having. Doesn't make the issues
16 less important, it makes them very important. I just want to make sure that hopefully
17 through the efforts of this working group that we can begin to bring the community
18 together to focus on solving problems as opposed to people -- I know there are folks out
19 there, some want the issue for the sake of the issues. I think this is a very strong
20 commitment. There is a strong commitment on the part of this Council, all nine of us up
21 here and in the community generally, to focus on the preservation of Ag Reserve and
22 agriculture. I hope that we can focus on how to do that as opposed to figuring out where
23 the lines are and who is standing on which side of the lines. I think this is a great
24 opportunity for us to bring people together to focus on solutions and I look forward to
25 working with my colleagues to make sure that that occurs, and I think this is a good step
26 in the right direction.

27
28 Council President Leventhal,

29 Mr. Knapp, thank you very much for the very strong interest you have shown in this
30 issue and the excellent suggestions you've made for participants on this working group
31 and in structuring the working group. Ms. Praisner.

32
33 Councilmember Praisner,

34 I want to compliment the Council President for the way in which he's reached out and
35 also for the way in which he's responded to my suggestions that we really need to cast
36 a broad net. So that while we may have, as individual Councilmembers, knowledge of a
37 core of individuals in order to reach beyond the Hatfield and McCoy mentality that
38 appears to have resurfaced, I would suggest, Mr. Knapp, it doesn't -- controversy
39 regenerates that polarization that may occur. The action of reaching out to solicit folks'
40 interest and to generate more interest before closing the door and finalizing the
41 membership does allow an opportunity for new characters, so to speak, to put their
42 name into the equation, who may be less identified with one side of the issue or
43 another. And that certainly, if it brings us further along in the discussion is always
44 helpful. And to the extent it opens up the education avenues as far as what are the
45 issues, that's helpful, too. My only concern -- it's the same concern I have raised last

April 4, 2006



1 week is we have a short time period from a standpoint of this Council's consideration of
2 whatever might be recommendations that are related to land-use recommendations,
3 given the fact that this is an election year, the calendar is always abbreviated in an
4 election year. Plus there are legal parameters and limitations on what the Council can
5 consider from a land-use perspective and when we can consider that. So, that to me
6 says that the issue of agriculture is an elephant and as we remember the analogy of the
7 blind men describing the elephant, it depends on whether you're in the front, the back or
8 the side how you see the issue. It also depends upon what time frame you have for
9 looking at the issue. I would urge that not only do we appoint as soon -- as the Council
10 President has indicated -- the members of the Committee, I would urge that the Council
11 President and the Council collectively work with the leadership of the task force, when
12 identified, to prioritize and lay out a work plan that will allow us to have meaningful and
13 effective action, not just discussion. We have had a lot of discussion. We will always
14 have discussion in Montgomery County, but if we're to act as a Council on anything of
15 substance with controversy, and it will have controversy no matter what it is, we need a
16 work plan that has some real deadline dates and some priorities as far as the myriad of
17 issues that could be discussed when we talk about agriculture preserving, protecting,
18 ensuring that it grows from a "what can the government control" perspective. Those are
19 my only comments.

20
21 Council President Leventhal,
22 Mr. Knapp.

23
24 Councilmember Knapp,
25 I want to thank Ms. Praisner for her remarks. I agree. I think by bringing in new
26 perspectives and what Ms. Praisner has proposed with the notion of including some
27 organization to help provide some of that guidance, one of the things that has been
28 difficult is to make sure we have all the pieces in front of us at the outset to make sure
29 we have all the facts on the table. So, irrespective of which direction people may come
30 at this from, we at least all know what the underlying issues may be. And I hope by
31 getting people together we can take at least the initial objective assessment, be able to
32 prioritize, and I agree that I don't necessarily know what all the issues will be that they
33 may come out -- that may come out of this discussion, I think some of them going in, but
34 to make sure that we give this group the ability to look broadly and begin to prioritize
35 and make recommendations back to us to say "This might be important, but you can't
36 get there from here in this time frame." I think that is going to be an important charge for
37 this group to have. And so I am very in which agreement with that perspective and hope
38 by that by getting new thoughts on the table, we can clarify, put some objectivity in it,
39 and have a real and significant substantive discussion that we can make real progress
40 on in the course of the coming months.

41
42 Council President Leventhal,
43 Ms. Floreen.

44
45 Councilmember Floreen,

April 4, 2006



1 Thank you, Mr. President. I also wanted to compliment you for putting this group
2 together and outlining its charge the way you have. I just wanted to say, I don't think we
3 should expect this group to solve all the issues out there in the agricultural community. I
4 think the intention, as I read it, is to focus on the number of items that we have in front
5 of us that we know are right there about to come. I'm not exactly sure of the schedule
6 from the Planning Board perspective, but I think it's useful to identify the subject areas
7 of conversation and debate. I think those are the hot topics of the moment and the real
8 challenge for us is that we need to be absolutely sure that whatever steps we take does
9 not cause us to trip over the next set of steps we may want to take. And so, I think, as I
10 understand it, Mr. President, that's the idea of the group and of the charge and I think
11 that's the way to go to make sure, frankly, that all the players in this environment are at
12 the same table, and have the conversation that they have told us that they feel they
13 haven't been able to have up until this date. So, I thank you for doing this and I think this
14 is the right way to go and I'm optimistic that at least we'll get a good coordinated set of
15 recommendations on those particular issues, and I think that's the charge to the
16 Committee and I think this will make our lives a lot easier. And I think it speaks worlds of
17 our commitment to the agricultural community as well. So thanks, and I look forward to
18 seeing the group get off the ground.

19
20 Council President Leventhal,

21 Thank you, Ms. Floreen, and to all Councilmembers for your excellent suggestions for
22 the structure and the participants on the working group. We have had a lot of input and
23 you and your office have been very, very helpful as many Council offices have. And so
24 those in favor of the resolution to establish the Ad Hoc Agricultural Policy Working
25 Group will signify by raising their hands. It's unanimous among those present. We now
26 have the resolution to establish a policy on parking at County libraries. This resolution
27 was approved by the Health and Human Services Committee on March 27th. I'm the
28 Chairman of that Committee. I did not support the resolution. I am happy to discuss it,
29 but perhaps if Mr. Perez is amenable, perhaps he could provide the majority report from
30 the Committee and I will give the minority report if that's agreeable to Mr. Perez.

31
32 Councilmember Perez,
33 [INAUDIBLE]

34
35 Council President Leventhal,
36 You need to turn on your microphone.

37
38 Councilmember Perez,
39 Yes, one quick moment.

40
41 Council President Leventhal,
42 Well, I'll begin, or maybe -- well, in affect what this resolution does, it...

43
44 Councilmember Perez,

April 4, 2006



1 I'll be happy to. I'm sorry. I just wanted to, if I could, on behalf of Mr. Subin, as it relates
2 to the text amendment that we introduced in Wheaton, Mr. Subin, we have been
3 discussing this text amendment and I inadvertently failed to include him has a sponsor
4 of that amendment and I apologize and I wanted to add him to that.

5
6 Council President Leventhal,
7 Very good. Without objection, Mr. Subin will be added to the Zoning Text Amendment
8 regarding the Wheaton Overlay Zone.

9
10 Councilmember Perez,
11 Thank you, that was my mistake. Now the resolution, Mr. Andrews was the lead
12 sponsor of this resolution, cosponsored by Mr. Denis, myself, Ms. Floreen, Mr. Subin,
13 Mr. Silverman to establish a policy of free parking for library users at all County libraries.
14 The impetus behind this, and I would invite Parker Hamilton, our well-respected head of
15 the libraries to please join us at the table. The impetus behind this, as many people
16 know, was the discussion as it relates to Rockville. But the issue is not, obviously,
17 limited to Rockville. We will hopefully have a library constructed in the not-so-distant
18 future in downtown Silver Spring in a similar mixed-use environment. We also have an
19 issue in Bethesda. So, Councilmember Andrews was the lead sponsor in the resolution
20 to establish this policy. We had, I believe, two sessions on this, under the leadership of
21 Chairman Leventhal. And at the end of that, the Committee, by a 2-1 margin, agreed
22 that the intent of the resolution was to provide free parking for library use for unlimited
23 amount of time per library patron and for an unlimited number of library patrons. We
24 obviously discussed the issues that you have to discuss, which is how do we eliminate
25 or minimize the potential for abuse of the system because while we always assume the
26 good faith of all library users, we need to plan for those who might try to use this
27 opportunity in a more nefarious fashion. So, we did discuss that. We spent a fair amount
28 of time on the cost estimates and we heard from both Mr. Riley and Director Hamilton
29 on that. We agreed that it continues to be a work in progress. There is more work that
30 needs to be done to refine the cost estimates and the implementation plans. We held, or
31 heard a briefing from the City of Rockville and I see that the very able members of the
32 Rockville Planning Department are here as well who are involved and -- oh, and we're
33 joined by our esteemed Councilmember Robbins from Rockville. So, good morning. I
34 should have acknowledged you earlier. It's a pleasure to see you here. So, we didn't
35 resolve a lot of the details relating to cost, because those issues were not capable of
36 resolution at the time that we took them up. But we did resolve that we had -- we had a
37 2-1 consensus on the Committee that we wanted to put the policy in place. That we
38 would have to, and this wouldn't be unprecedented, we do this in other areas like snow
39 removal and elsewhere, where we establish basically a place holder in terms what have
40 we think the fiscal impact will be. And so while I cannot sit here nor can anyone sit here
41 and say this will unequivocally cost \$125,000.42. We can say that, I think the Council is
42 on record, or at least the majority -- the Committee majority on record supporting the
43 resolution and committed to the process of working through the financial details. One of
44 the trickier issues is working it out at Bethesda because, at the moment, we certainly
45 agree with the spirit of Mr. Leventhal's concern about not turning library staff into

April 4, 2006



1 parking attendants. And so we want to attempt to work something out in that context.
2 What the Committee ultimately decided was we adopted the resolution. We agreed that
3 we would have a placeholder in terms of the fiscal impact and that we would continue to
4 hear regular briefings both including the City of Rockville and we need to resolve the
5 Bethesda issues, those are the two most immediate. Obviously, Silver Spring is an
6 issue for down the road, because we don't quite have a library yet. Although we don't
7 have one in Germantown either, much to Mr. Knapp's dismay. We're working on that. A
8 little different, yes. That's where we are, Mr. President. I know that Mr. Andrews, who is
9 the lead sponsor of this, wanted to be heard and I will leave it to you to determine the
10 order.

11
12 Council President Leventhal,

13 I will call on Mr. Andrews in a moment. I am a minority of one and I will give very brief
14 comments from the Committee minority. I am very glad to see my good friend Anne
15 Robbins here, who's a dedicated advocate for the people of Rockville. She does a great
16 job and we're good friends and after much thought, I am not able to come out in the
17 same place on this issue as Councilwoman Robbins, although she approached me
18 about this before the holidays and I know that many of my colleagues and much of the
19 public, when they heard -- first heard about this issue and when they heard that the
20 County was, for the first time, charging for parking at libraries, their reaction was, "Oh
21 well, that shouldn't be the case, we shouldn't do that." As I delved into the issue and
22 spoke with Mayor Giammo and our Chief Administrative Officer, Mr. Romer, first I came
23 to the understanding that the County is not charging for parking at the Rockville Library,
24 It is the City of Rockville that is charging for parking at the Rockville Town Center
25 Garage. The original plan worked out years ago between the County and the city was
26 that there would not be parking at the library; there is not a library parking lot that at the
27 City of Rockville's request, a parking -- the library is included as part of the Town
28 Center's revitalization, and general parking is available for all users of Town Center. As I
29 understood that better, I asked Mayor Giammo -- we had an excellent conversation --
30 was there was a middle ground where the County could make some contribution, the
31 City might make some contribution? And the Mayor Giammo indicated that he would
32 like to have a discussion about that approach and we both resolved to try to work
33 something out on behalf of your constituents, but this resolution was introduced before
34 the constituents could be worked out. And so now the effect of the passage of the
35 resolution will be that we will be obligated to about a half million dollars a year to assist
36 the City of Rockville to pay its debt service on its garage. I know the votes are here on
37 the Council for that and I don't want to take a lot of time. I'm delighted that my friend
38 Marvin Weinman is here from the Tax Payers' League. I want to note for the record this
39 is an example of spending that I think is unnecessary, but that we do not have
40 consensus on. There are many items in the budget which individual Councilmembers
41 may feel are not a priority, and ought not to be spent. For me, spending a half a million
42 dollars which is vastly more than we will spend on collections and materials at the
43 Rockville library. We'll be spending substantially more to spend the City of Rockville's
44 debt service on its garage than we will be paying for books and magazines and DVDs
45 and CDs and other things that library users will actually use at the Rockville Library. And

April 4, 2006



1 the intent of this resolution is we will do it forever. So every year, we will pay a half
2 million dollars extra for debt service at the Rockville City Garage. Let me also say that in
3 Bethesda, I think this is an enormous mistake. We have had no complaints about the
4 metered parking at Rockville, which go out of affect -- at Bethesda which go out of effect
5 at 2:00 p.m. We're going to replace the system working just fine, which has generated
6 no complaints, with the system that we don't really understand very well and it's going to
7 cost -- if it is comparable to what we do in Rockville -- it will cost a half a million dollars a
8 year -- excuse me, a half a million dollars for startup costs and then substantial
9 operating costs. If we do the recommended option in Bethesda, we will have a County
10 employee checking individuals as they go in and out to make sure they are actually
11 going in and out of the library. I don't think that is a good use of an employee's time. I
12 think it's a mistake to change the system we have in affect now in Bethesda. I know that
13 this is a well-intended motion. I know that there are -- that my good friends who
14 advocate this with the best of intent. I think it's a mistake and I'm voting against it. Mr.
15 Andrews.

16
17 Councilmember Andrews,

18 Thank you, Mr. President, and I want to recognize your leadership as Chair of the
19 Health and Human Services Committee in being a strong advocate for libraries and this
20 is certainly not a litmus test on whether someone is supportive of libraries. But I do
21 disagree with your position on this. And the reason is that I believe that given that
22 libraries are one of America's great ladders of opportunity, given that they are an
23 essential component of our public education system, and are used heavily by many,
24 many students for their studies, that it should be the policy of the County to have
25 unimpeded access to the libraries. And I do think having a charge for parking will limit
26 access to libraries. A dollar an hour which, is the proposed parking charge for the
27 structured parking garages in the Rockville Town Center, and I don't know what it would
28 be in Silver Spring in the future, is a significant percent of many workers take-home pay,
29 hourly take-home pay in this County. There are thousands of people in this County that
30 make \$7 or \$8 a hour. A dollar an hour is a significant chunk of that take home pay. I
31 think it will be a barrier, I think that it would constitute a de facto admissions fee for the
32 many people who have no convenient way to get to a library other than to drive. And
33 that is certainly true for many, many people. The access to libraries in our County is
34 critical to maintain and it's not true, as I know it has been thought by some, that libraries
35 and urban centers are built to serve the local population that lives nearby. That's simply
36 not the case. The new Rockville library, for example, will be the largest library in the
37 County. It will house the Special Needs Collection for the County, the Children's
38 Resource Center, business and government documents. People will come across the
39 County to use the Rockville library and many, many thousands of people who don't live
40 near the library, certainly not within walking distance and often not within convenient
41 access to transit. So, the reality is that many, many people will continue to drive to
42 libraries and to have a charge for parking will have an impact, in my view ,on the access
43 to the library and the use and particularly for people of lower incomes. I don't want to
44 see that occur, and I know that everyone up here wants to see our libraries used fully.
45 We have 525,000 library users in Montgomery County. That's how many cards are

April 4, 2006



1 issued. That's an extraordinary number. That is more than half the population. That is
2 about -- it's more than a number of households in the County. So our libraries are
3 extraordinary popular and well-used. And that is due, certainly in part, to the outstanding
4 leadership that we have had of the library system in the past, and I'm confident we'll
5 continue to have under Parker Hamilton's leadership. I am very familiar with the County
6 library system. My mother is a retired County librarian. I spent a lot of time in libraries as
7 a youngster and I think they're one of the great goods in our society. I know everyone
8 agrees with that as well. In terms of transit, we did receive letters from folks that argued
9 that we should look to provide the same kind of incentive for transit users. And I want to
10 note that the County has provided extraordinary incentives for transit use. In 2000 the
11 Council slashed the cost of the two-week Ride On pass, which is an unlimited pass from
12 \$18 to \$10, that was a 44% reduction, and we have kept it at that \$10 level since. which
13 works out if a person that uses that over the course of the year or a course of two
14 weeks, 71 cents a day to have an unlimited Ride On pass, I think that is entirely
15 appropriate. I had actually proposed in 2000 we make the ride on system free. The
16 Council responded by slashing the Ride On bus passes in terms of the cost and I think
17 that was important to do and important to keep them low. In terms of concerns that were
18 raised by the library system, I do recognize that the operating budget, particularly the
19 materials budget to the libraries have taken a hit in the past several years and the
20 library materials budget is currently less than it was several years ago. It certainly hasn't
21 kept pace with the growth in the system or with inflation and I think the Council needs to
22 address that. But I think that's a separate issue and that's important to state that in no
23 way should whatever funding is required to implement this policy -- and we only have
24 rough estimates at this point based on estimates of how long people will use a library on
25 average -- I think it will made to be a placeholder type approach. We know that there will
26 be -- we have a rough estimate -- but we won't know any year what the exact amount is
27 until the end of the year. But it's not one of our larger programs, it will not be one of our
28 larger costs, and it won't be a significant percent of our budget. I think it will make a
29 significant difference to many library users and it will ensure there is no barrier to library
30 use in the form of parking charge. And so in order to maintain unimpeded access to
31 libraries, I am pleased to have the -- my colleagues supporting this measure. I want to
32 thank Councilmember Perez and Denis and Subin, Silverman, and Floreen for their
33 support of this. And I want to thank the grassroots community leaders. I want to thank
34 Councilwoman Robbins who, as Council President Leventhal noted, has been a tireless
35 advocate on this issue is here with us today. And I want to recognize Irwin Charles
36 Cohen and Jack [Gellin], who have been staunch advocates for this. We have heard
37 from people around the County on this issue. We heard from people in Silver Spring
38 who, of course, are interested in the future of what will occur with the future Silver
39 Spring Library, where there is currently a plan to change for parking. In my canvassing
40 door-to-door I've heard from a lot of people, including people who used to use the
41 Bethesda Library who were unhappy with the fact that there was a charge for parking
42 which is currently in place until 2:00 on week days. The effect of the policy as it affects
43 Rockville would be to ensure that there is reimbursed parking during the week, during
44 weekdays. The plan right now for Rockville is that there will be no Rockville City -- which
45 will be running the structured parking garages as part of the Parking Authority, which



April 4, 2006

1 will serve the entire Town Center and serve a number of uses during the week that
2 provide parking for County government employees -- is not planning that there will be
3 any charge at this parking garages on weekends. So we're talking about the weekday
4 hours of the library. I think that covers the major points that I wanted to hit. And I thank
5 everyone for their interest and support. I think this will ensure that we continue to have
6 no barriers in our library system to use and it will continue to operate as a system and
7 not have differences between libraries as to whether there is parking charges at some
8 libraries and not at others. Thank you.

9
10 Council President Leventhal,
11 Ms. Praisner.

12
13 Councilmember Praisner,

14 Well, I appreciate the passions and the interest in the commitment to the library users,
15 which my colleagues have highlighted, and I very much appreciate Mr. Andrews' point
16 that this is not a vote for or against libraries and library service. I guess I would take a
17 different perspective. And I look at it from an urban center and what are the components
18 of having facilities within a Town Center in an urban setting, whether they are
19 Downtown District of Columbia, New York City, City of Rockville, Town of Bethesda,
20 area of Bethesda, area of Silver Spring. And the reality is that in urban areas, which this
21 is, you have parking garages and we have a Parking District concept which the County
22 will be participating in as well, having sat in the Management and Fiscal Policy
23 Committee when we have talked about creation of the Parking District and the
24 collaboration with the City of Rockville and the role which the fact that County
25 employees are residents or occupants of that and how that will work are issues that we
26 will continue to discuss. I see this issue a little differently. If I were going downtown to
27 the Library of Congress, I would, in all likelihood, have to pay for parking. If I were going
28 to Baltimore to the Enoch Pratt Free Library, I would pay for some kind of parking. If I
29 went to the Martin Luther King Library in the District of Columbia, I would likely pay for
30 parking, whether it's in a garage nearby, if I'm driving or at a meter along the street. If I
31 were in New York City accessing the public library system I would be paying if I used a
32 car for some kind of parking. None of those entities have free parking available, to my
33 knowledge. If you're using the Rockville library at this point and those limited 30-plus
34 spaces are not, are occupied, you would have to use the meters on the street or you
35 would have to use the County parking garage nearby, meaning ours, and you would pay
36 as a visitor. If you're in Anne Arundel County in the City of Annapolis, you would have to
37 pay for parking to use whatever research facilities you might be using. As I understand
38 it, in off-hours there would be, just as there are in the garages of these areas, not
39 necessarily in the District and elsewhere, but in the concepts that are being discussed
40 would be that those fees would not apply except during the week hours and there would
41 be free parking available on the weekends. So that those who may feel that they are
42 impeded in their capacity to access the facilities would have the availability of using it at
43 a time when those charges were not in place. The challenge in a urban setting is to
44 monitor the use of the limited space by generating some revenue for the parking
45 garages, creating the kinds of districts that are necessary in order to access facilities to

April 4, 2006



1 use public transportation, et cetera. The reason why parking is -- fees are imposed in
2 Bethesda is because without those, the parking spaces would be occupied by those
3 who are using Metro rather than using the library. I think there are ways in the future to
4 continue to look at this issue, such that one could minimize the impact. But to pass a
5 resolution at this point that says that there will never be a parking fee for using the
6 libraries in an urban center, where an urban center where garages are the way in which
7 folks access is something that I think is inconsistent with the concepts that we talk about
8 when we talk about urban centers. We can always move the services out of the urban
9 centers and not have them there. But once you place facilities within the urban
10 center, the issue of use of garages becomes a component of them. With due respect to
11 my colleagues, I think the question of the free library is a question of the fee to enter the
12 building, not a question of how one got there to the building. And while I respect their
13 position, I come down with my colleague, Mr. Leventhal, on this issue.

14
15 Council President Leventhal,
16 Mr. Subin.

17
18 Councilmember Subin,

19 Well, I think there are a number of issues here. The first one being and probably the
20 most important one being Mr. Andrews' issue of access. And are we or are we not going
21 to charge a fee for access to knowledge? And I frankly find that anathema. I don't -- I
22 find it difficult to distinguish whether the knowledge is in the facility in the Agricultural
23 Reserve or in the midst of a dense urban center. I think that is a distinction without any
24 significant differences at all. Access to knowledge is access to knowledge is access to
25 knowledge. We need to look to see who in fact is using that facility. And it's no one
26 single group. There are waves of people that use libraries. Not the least among them,
27 folks who, as Mr. Andrews pointed out, are going to have to come up with money where
28 they are on a fixed income. And they go to the library for a reason. You have seniors
29 who are there in the morning. They will go to read the papers to congregate, to get a
30 little bit more knowledge for the sake of knowledge or, or access to services. You have
31 those coming in who are looking for work, who are looking for places to retrain. And
32 then starting about 3:00, you have, you want to have, you want to encourage children to
33 come in, many of whom either can't or shouldn't be driving to get there. Which means
34 their parents should be, will be, are driving them there to do that, so that they can do
35 research. If we do not see libraries in that as an adjunct to our free public education
36 system, then we have a problem. Libraries have been free since the time of Benjamin
37 Franklin. This is not a new concept being put before us. As far as the spending goes,
38 there is a whole list of things where we haven't spent where we needed to spend and
39 should be spending. We have a fire department that is dealing with more and more
40 complex issues in a very complex community. In dire need of folks to do maps for the
41 apparatus. In dire need of folks to do planning. But they have neither the folks to do the
42 maps nor the planners. Why? Well, because we might have to give them public money
43 to do that. What a new and terrible concept that is. The only real reasons I have heard
44 not to provide free spending for the libraries or -- I'm sorry, free parking for the libraries,
45 one is a generic and another is specific. The generic one, is the money across to put



April 4, 2006

1 those in and we shouldn't be making the librarians traffic. Well, we do have folks who
2 are facilities guards, and that's one of the things that they are charged with doing.
3 Providing that guarantee that only the folks who should be in there are parking in there
4 and everyone else will have to pay. The other is because this is a Rockville project and
5 Rockville should be paying for the parking spaces. Now, I will concede there is a piece
6 of me that says that alone would be a good reason to make Rockville spend the money,
7 because the City of Rockville has been far less than cooperative on a number of issues
8 with us, specifically concerning the schools. One can look at Rockville High School, one
9 can look at Stone Street's block projects, one can look at what it took to get safe roads
10 for Wheaton High School. The list is pretty endless, where we have not gotten any
11 cooperation. But I do not believe that that is a reason to say that we're going to charge
12 for parking simply because the spaces are within a Rockville facility. The reasons not to
13 do this, I believe, set a dangerous precedent. Knowledge should be free. It's been free
14 since Benjamin Franklin was 98 years old or whatever, Mr. Perez, and should remain
15 so. We do that for the schools, and we should do that for this adjunct to the schools and
16 to provide a service for many whom as Mr. Andrews noted, this would be a burden and
17 they would have to make choices. If parking there is an issue, then the second floor
18 needs to get serious about enforcing the parking regulations for the libraries.

19
20 Council President Leventhal,
21 Ms. Floreen.

22
23 Councilmember Floreen,
24 Thank you. I really think -- I don't think this conversation is about the money. We have a
25 lot of additional activities, projects, and so forth that we fund in our budget that aren't
26 related to fundamental governmental functions, but I really think this issue is a
27 commitment of being -- going back to basics in this County. And I agree with Mr. Subin
28 that library services are a basic function of this County and of this government. As with
29 education to which we provide nearly half our budget, the library services, the access to
30 information, the access to opportunities, frankly the access to futures is a fundamental
31 responsibility and to make it more difficult, to make it more challenged to offer road
32 blocks or to treat it like anything else, I think is problematic. I am glad to be part of this
33 initiative, I think that it -- as we look at our priorities, we have to return on a regular basis
34 to essential governmental infrastructure that's schools, that's roads, that's transit, and
35 that's libraries. And we need to continue to focus on what is most important before we
36 go other areas of community interest and support. I think this effort is bigger than just
37 talking about parking. I think it's talking about libraries and library services are critical to
38 our future and every single member of our community. We can all give stories of our
39 early days of access to the library when we were children, we see that on a regular
40 basis now. And it's the one service that is free to absolutely everybody in this County
41 and I think it needs to stay that way. So, we'll go forward. I'm sure there will be
42 challenges in working out the details, but isn't that the case with everything else we do?

43
44 Council President Leventhal,
45 Mr. Denis.

April 4, 2006



Councilmember Denis,

Thank you, Mr. President. I want to thank Mr. Andrews for his leadership in this matter. I am very pleased to be one of the five co-sponsors of this bill, with Mr. Andrews as the lead sponsor and I want to thank you, Mr. President, for your fairness in bringing this matter before the Council in an expeditious fashion, your views to the contrary, the substance notwithstanding. So far as the Bethesda Library goes, I would like to point out that that the Bethesda Library is not within the Central Business District, it's not within an edge city or whatever is defined as a city, so I would respectfully suggest that comparisons to the District of Columbia, New York City, or any other city are not in point. I also will recall the controversy in Bethesda when the parking fee was instituted. I believe that was 10 years ago. And I recall my predecessor Betty Ann Krahne, expressing her concern at the time, and those concerns have been on-going. I have heard many concerns over the five-plus years that I have been here concerning this. Certainly, over time, some people might feel, well, it's a "fait accompli," why fight City Hall, what's the point? But I can assure the Council that concerns have been regularly expressed to me. Mr. Subin is correct in referencing Ben Franklin. I would also like to reference Thomas Jefferson, who donated his fabulous collection of books to Congress, and that was a start of the Library of Congress. I don't think there was any charge for parking your horse or your carriage in those days and I don't think that there should be a charge today for parking. But since Scott Reily is here, I would like to go a little off the subject and ask Scott a question. Mr. Reily, who is the only player in baseball history to hit a walk-off home run that won a World Series?

Scott Reily,

I believe that would have to be Mr. Bill Mazeroski.

Councilmember Denis,

And the year?.

Scott Reily,

1960.

Councilmember Denis,

Then I'll vote for the bill.

[LAUGHTER]

Councilmember Perez,

What about Joe Carter...

Councilmember Denis,

That's a game seven.

Councilmember Perez,



April 4, 2006

1 the Joe Carter walk-off?

2
3 Councilmember Denis,
4 Game seven. Right.

5
6 Councilmember Perez,
7 That was game six, Joe Carter.

8
9 Councilmember Denis,
10 It was game six! Wait a minute! I may abstain!

11
12 Councilmember Praisner,
13 Yeah, so, operative language, "Won" the World Series.

14
15 Council President Leventhal,
16 Okay, I had a nice trip to Philadelphia with my family last spring and in addition to the
17 list that Ms. Praisner mentioned, the Enoch Pratt Free Library in Baltimore, the Martin
18 Luther King library in Washington, D.C., the New York Public Library, the Public of
19 Philadelphia, and the library founded by Benjamin Franklin, and the Franklin Institute,
20 the Scientific Institute, none of them have free parking. Those in favor of the motion will
21 signify by -- the resolution will signify by raising their hands. That would be Mr. Denis,
22 Ms. Floreen, Mr. Subin, Mr. Perez, Mr. Andrews, and Mr. Knapp. Those opposed, raise
23 their hands. Ms. Praisner and myself. The motion carries 6-2. [NO AUDIO] ...a work
24 session on the Damascus Master Plan and that will be offered -- that will be presented
25 by Ms. Floreen in -- as I mentioned earlier, Mr. Silverman had a death in the family, the
26 Chairman of the PHED Committee, so he's not with us today.

27
28 [NO AUDIO]

29
30 Council President Leventhal,
31 Ms. Floreen.

32
33 Councilmember Floreen,
34 Thank you, Mr. President. I guess we should have the people at the table introduce
35 themselves for the record, and perhaps we will have Chairman Berlage make a few
36 comments before we get into the plan.

37
38 Derick Berlage,
39 Thank you.

40
41 Glenn Orlin,
42 John, why don't you go first?

43
44 John Carter,
45 John Carter, Chief of Community Based Planning.



April 4, 2006

1
2 Derick Berlage,
3 Derick Berlage, Chairman of the Planning Board.

4
5 Judy Daniel,
6 Judy Daniel, Director of Rural Planning.

7
8 Glenn Orlin,
9 Glenn Orlin, Council staff.

10
11 Derick Berlage,
12 Thank you, we would like to thank the PHED Committee for their terrific work on our
13 recommendations, as well as Marlene and Glenn, and other members of the staff. And I
14 would like to thank our staff. And most of all, I would like to thank the community of
15 Damascus. Damascus is one of the most wonderful communities in a County full of
16 wonderful communities. It's maintained over the years a terrific, small-town atmosphere,
17 a tremendous amount of community spirit. Many people would call it the capital, or
18 perhaps a capital, of the Agricultural Reserve and so it's a very important community for
19 the future of our County. This plan seeks to protect and enhance the rural and small-
20 town character of Damascus and maintain the surrounding area of agricultural land and
21 rural open space. This is a plan that is primary about preservation, not about change,
22 but it includes important fine-tuning recommendations, particularly with respect to
23 making sure that the town center, going forward, continues to be the terrific kind of small
24 town community that it is. And we're also recommending, both for the town center and
25 transition areas some modest additional house capacity, because we believe the area
26 can accommodate it and housing is, of course, an important objective of this plan and of
27 the County, in general. There are three main sub areas, the town center, the transition
28 areas, and the rural areas. This is a plan that can probably be best analyzed by
29 reference to those three particular areas. And we look forward to working with the
30 Council as it goes through the PHED Committee recommendations. Thank you for your
31 attention to this important community and this important plan.

32
33 Councilmember Floreen,
34 Thank you, Derick. The Councilmembers, in your packet you should have a handy map
35 and that will identify the main areas for conversation. And, of course, the plan itself has
36 considerable resources in it. I wanted to say we met six times, so we did pretty well
37 compared to our -- I think that's the shortest number -- the fewest number of sessions
38 on any sector plan amendment that we have been involved in. Isn't that right, Marlene?
39 Even better than Woodmont Triangle, so we're getting a little bit more efficient, I
40 suppose. We worked through all the issues associated with the plan. I wanted to say at
41 the outset, we have put one issue to one side and to come back to later on, and that is
42 the question of the Damascus Bypass. The Committee was very concerned about some
43 of the language in the plan that didn't seem to give sufficient clarity and guidance as to
44 what might occur with respect to preservation of right-of-way for a future bypass or not.
45 Not to suggest that we have any opinions on the subject. We wanted to get the



April 4, 2006

1 language in the plan a little clearer and we ask the Planning Board and staff to go out
2 and talk to the community more on this issue. They have already had a public session. I
3 think we're get -- you're going to have a Planning Board session of this at the end of
4 April.

5
6 Derick Berlage,
7 April 20th.

8
9 Councilmember Floreen,

10 And it will come back to the PHED Committee at the beginning of May. We will take it
11 up then and it will go to the full Council immediately thereafter. And if there is any
12 additional wordcrafting to be done, it will be done at that time, prior to our adoption of
13 the full plan. This has been a controversial issue over many years and we wanted to
14 add -- ensure that there was sufficient clarity in the plan to offer direction to the
15 community and to the Planning Board in future dedication decisions as to what they
16 needed to do. So, that -- I just wanted to highlight for everyone that that, that issue had
17 been put to the side and we will not be taking that, that issue up today. Generally
18 speaking, we are in pretty much full agreement with the Planning Board
19 recommendations for the Damascus Plan. I think what the Committee did not support its
20 the identification of Damascus as a housing resource. What we did want to do, though,
21 was to advance and ensure its continuity and future just the way it is, as a small town
22 surrounded by a rural environment and to retain those edges effectively into the [line
23 term]. There are really only a few areas of disagreement of the Committee itself, and
24 very few areas on the disagreement with the Planning Board or its staff. There have
25 been a number of conversations, and you will see in your packet all the back and forth
26 about some of the Zoning Text Amendments and front of the wordsmithing involved in
27 the plan. But by and large, there is basic agreement that we like Damascus just the way
28 it is. There is going to be a little bit of tweaking and we're looking at going forward with
29 more -- with a new kind of zoning in the Town Center, sort of a form-based zoning that
30 allows the Planning Board more flexibility in assessing uses and arranging spaces so
31 that we get more community-oriented and walkable communities in Damascus with the
32 usual kinds of constraints for site plan review and the like. So, this is a follow-up upon
33 the Olney Plan with a little more detail and we'll get into that as we work through the
34 plan.

35
36 Council President Leventhal,
37 Ms. Praisner wanted to make some opening comments at whatever point...

38
39 Councilmember Floreen,
40 By all means.

41
42 Councilmember Praisner,
43 Thank you. I wanted to thank staff, Marlene especially and Amanda for the work in
44 helping us work through the issues. I want to thank the Council President for laying out
45 today in essence with the exception of the public hearings this afternoon for us to work

April 4, 2006



1 through this plan. I think we can complete this plan today from a standpoint of the
2 preliminary Committee review of it. The one thing I would highlight for you is while we
3 are using -- two things I would light highlight -- while we're using existing zones rather
4 than creating new zones and I support the extent to which we continue to use existing
5 zones rather than creating new zones with each master plan, I think it's important for us
6 to understand the nuances for each area that we deal with and the challenges of taking
7 an existing zone and modifying it for use. Unlike the Olney area where, unfortunately,
8 we dealt as a Council with the exterior properties and then focused on the Town Center,
9 because the work was not ready at that point, the new zone, we focused this time
10 appropriately, starting with the Town Center and working outward from it. The points I
11 would make here that I think the Council needs to pay attention to, as we work through
12 parcel-by-parcel, and I believe we have to talk about this, outside of the Town Center,
13 parcel-by-parcel because there are unique issues associated with the environmental
14 impacts on the parcels. The topography of Damascus is very dramatic from a standpoint
15 of ebbs, flows, valleys, streams, and so you need to look at each parcel and not
16 blanketly apply zones, in my view. The second piece is I don't think the Committee had
17 appropriate -- had adequate conversation with the Washington Suburban Sanitary
18 Commission. We had some, but I do think that it would be appropriate, when we talk
19 about the extension of water and sewer and the way in which it will have to be
20 extended, for us to understand the implications and the challenges, as far as existing
21 capacity, type of pump facilities that will be needed and what the implications may be,
22 so that WSSC is at the table when we talk about outside of the current sewered areas
23 so that we know what those implications may be. And I think the map, as the Maryland
24 State Department of Planning's comments to us as a document, as I recall, say is we
25 need to be very explicit about the exact geography where sewer extensions are
26 appropriate and not appropriate because I think that is a critical issue here. It's an issue
27 from a cost perspective, it's a critical issue from a viability perspective, and it's a critical
28 issue from a standpoint of impact on the environment. And it also may have unintended
29 consequences such that I think we need to be very clear about what the extension of
30 water or sewer may mean from a standpoint of where else it might go and what
31 comments we might want to make about the envelope beyond or the fact that proximity
32 to water or sewer is not intended to have as a consequence. I think it's critical that we
33 make those comments as well. So I hope as we go through today, and I'm glad we have
34 the time to focus parcel-by-parcel on the kinds of issues that I think are significant for
35 this area, much as we had that conversation in the Upper Rock Creek about the
36 environmental sensitivities there, but I think they're even more acute here because of
37 the topography here and the distances that we're talking about and the philosophy that
38 we're talking about here. So, I just make those comments. I see Mr. Knapp wants to
39 make comments. In the absence of Mr. Leventhal, Mr. Knapp.

40
41 Councilmember Knapp,

42 Thank you, Madam Chair. Just briefly, I want to thank the Committee for their efforts
43 because the one comment I have heard consistently in the community is that people felt
44 the Committee took a thorough approach and tried to get in and understand a lot of the
45 issues. I also wanted, as we get started, to thank the community for their participation

April 4, 2006



1 the last few years. I went to the Bypass discussion the other evening and it was good to
2 see the level of participation within the community and I think that was really just a small
3 sliver because I think a lot of people have not heard about the bypass discussion. And I
4 just wanted to -- I thank the Committee for asking the questions, because I think they're
5 good questions. I think it's created a fair amount of confusion within the community as to
6 some things that haven't happened, or things that may have happened out of cycle and
7 so I think we're going to have to work with the community to whatever resolution we end
8 up ultimately getting to from the Council, but I think the Committee's asking the right
9 questions. I wanted to thank everyone for the participation up to this point because I
10 think it has -- I think people have tried to capture the essence of what is the community
11 of Damascus. I want to thank Judy for all of her outreach over the years. I think it's a
12 small town. It's a quaint community. I think there are some refinements that we can take
13 place. I think the efforts to look at the town center and to really make that a more vibrant
14 portion of the community are significant. And I think everyone is very hopeful that will
15 achieve the desired affect and kind of draw people into that Town Center. But more
16 importantly, I thank people for their thoughtfulness in helping to preserve the character
17 that makes Damascus the unique place that it is.

18
19 Councilmember Floreen,
20 Marlene.

21
22 Marlene Michaelson,
23 Yeah. I wanted to briefly thank Planning staff because we've asked them to turn around
24 a tremendous amount of information in a short time and they incredibly responsive. And
25 I wanted to thank Amanda, who has done a tremendous amount of work on this plan,
26 and I feel that I have to note that not only do we in Council recognize how terrific she is,
27 but this weekend, a young man recognized how terrific she is, and she's now engaged.

28
29 [APPLAUSE]

30
31 Councilmember Floreen,
32 I bet...

33
34 [LAUGHTER]

35
36 Councilmember Floreen,
37 Is he from Damascus?

38
39 [LAUGHTER]

40
41 Council President Leventhal,
42 Congratulations, Amanda.

43
44 Councilmember Floreen,

April 4, 2006



1 Yes, there has been a lot of work done here at the Council. And can you see by the
2 number of questions that Marlene has posed and the response from the staff that it's
3 been an all-out press to keep this on schedule. So, everyone deserves a tremendous
4 amount of credit. In addition to the environmental issues that Ms. Praisner referred to,
5 one of the other products, frankly, of the plan work that we did was to focus on, in terms
6 of protecting the rural communities and the RDT -- the agricultural uses to, as we,
7 where we looked at additional density, we used TDRs to add that, at least in the
8 residential uses. Not all the work is completed on that at this point. And you will, we will
9 talk about that when we get into the text amendment stuff and the conversation with
10 respect to the Town Center. But I wanted to say that that objective did not drive density
11 decisions. But we felt that density was appropriate and this came out of the Planning
12 Board recommendations. We -- TDRs were used as a way to be responsive to the
13 concerns of the agricultural community in terms of locating places where they could be
14 sold. Turning now to the major plan themes, do we have the map, the general map of
15 Damascus, so people can follow on? We had a lot of slide shows...

16
17 John Carter,
18 It's on the wall there.

19
20 Councilmember Floreen,
21 ...in the community work session. The one on the wall here is my personal favorite. Are
22 you going to get that up there?

23
24 Judy Daniel,
25 I think that may be just the environmental thing, I don't know if we ordered it.

26
27 Councilmember Floreen,
28 Do you have the actual town plan?

29
30 Unidentified Speaker,
31 The Town Center is right here, and actually...

32
33 John Carter,
34 But it's on the wall as well.

35
36 Judy Daniel,
37 It might be easier to look on the wall for now.

38
39 Unidentified Speaker,
40 Yeah.

41
42 Councilmember Floreen,
43 So much for technology. The plan, as you will see, has a variety -- this was a pretty
44 detailed plan and probably a harbinger of the future work that we're going to be doing in
45 focusing on more small scale issues, site specific on the details. The plan area includes



April 4, 2006

1 -- well, let me say the last time the Council took up the master plan was in 1994, after
2 revision in 1982. As I said, the object is really to preserve and enhance the small town
3 rural character of Damascus while keeping the surrounding area in agricultural land and
4 rural open space. And there are three main sub areas: the Town Center...

5
6 John Carter,
7 I think the wall is the best.

8
9 Unidentified Speaker,
10 Needs the wall.

11
12 Judy Daniel,
13 Or page 90-91 of your plan if you have it with you.

14
15 Councilmember Floreen,
16 Well, okay There's the Town Center, there are transition areas, and rural areas. The
17 plan proposes to rezone the land within the Town Center boundaries, with the usual
18 historic combination of 10 different zones, like many centers in the County, to one zone
19 the Mixed Use Town Center Zone. In this scenario, commercial uses, as proposed by
20 the staff and the board will be concentrated around the core of the Town Center zone
21 and will include some residential uses. There continues to be some commercial uses in
22 the outer edges of the Town Center, but the priority there will be residential uses. The
23 transition areas, which are a bit further out, include the town neighborhood up along
24 Ridge Road, neighborhood transition and rural transaction transition areas. Likewise,
25 here where we're looking at buffers between the higher-density development in the town
26 center and the rural areas. And here we get into more of the environmental concerns,
27 small town patterns, yet designs to reduce imperviousness and protect scenic vistas.
28 And the focus there will be use of small lot clustered single family neighborhoods in that
29 area. And that's where we have recommended some additional units we have
30 recommended that they be achieved with the use of TDRs. The rural areas are the
31 country parts. And we don't really propose any changes out there, except to coordinate
32 some of the zones and use a Rural Village Overlay Zone with modifications specifically
33 directed to, again, give the Planning Board some supervision and respect the long-term
34 uses in the little villages that really are the heart and soul of those edges. Capacity?
35 This -- we had a lot of conversations about what the potential unit yield and commercial
36 yield would be in Damascus. The Planning Board numbers on page 3, we think, are
37 reasonably high. They looked at the worst case -- the most case scenario, let's put it
38 that way, in terms what have development might occur if everything really was taken
39 down and rebuilt again. We don't really think that's likely and asked them to do more
40 work on what is really likely to occur in Damascus. And in the attachment, I think, from
41 the staff, they did review the numbers and gave us some additional information. But
42 while the totals there are pretty significant in terms of residential development capacity
43 potential...

44
45 Unidentified Speaker,

April 4, 2006



1 Is that better?

2
3 Councilmember Floreen,

4 ...and commercial, which is focused in the Town Center. We really don't believe that
5 those are likely to be achieved. Most of the -- there are a few properties that are open
6 for redevelopment we'll go into and there are comments that staff has provided on those
7 issues. But we do not anticipate the great deal of new development under this plan. The
8 object, though, is that what does occur will be subjected to some flexible rule, will allow
9 some creativity, will allow some community responsiveness and will also be responsive
10 to the market, we hope, so that Damascus will continue to grow a tad, not in a huge way
11 but in a way that fits in with the character and scale of surrounding uses. Likewise for
12 schools, the school system has done an analysis that indicates that existing and
13 planned schools will adequately serve the projected growth numbers for Damascus. So
14 we didn't spend much time discussing schools. Sewer and water, as Ms. Praisner
15 indicated, that of course, drives a lot of the growth issues in Damascus. And one of our
16 challenges, and we'll talk about it later, is the issue of the potential of needing to provide
17 water and sewer service to areas with health issues, with failing septic. And why while
18 that issue is not driving this plan, it's something that we have been asked to respect in
19 the plan analysis. And when we get -- we have actually a map from DEP that provides a
20 recommended sewer envelope. You have it in your packet. And hopefully that will
21 eliminate future water and sewer debates about what would be appropriate in the edges
22 of Damascus, unlike what we have had to do in Potomac. Hopefully we'll have
23 anticipated most of the long-term water and sewer issues in Damascus in a way that is
24 clear, that is responsive, and that is fundable. Land use, generally, under housing
25 policies, as I said at the beginning, the Committee didn't agree that Damascus was a
26 housing resource. We view it as a community that needed to be looked like any other
27 one as on a site-by-site analysis. We didn't view it as a Smart Growth center. We did not
28 grow this -- obviously it has minimal access to transit for any other alternative to the
29 automotive use and it's challenged by growth occurring in Howard, Frederick, and
30 Carroll Counties and the transportation challenges running that can cause for
31 Damascus and currently is causing for Damascus. So, we focused on the housing
32 issues on looking at what was right, we thought, for that land, that each particular site in
33 that particular location and weighed the pros and cons for each one of those. Likewise
34 with respect to transfers, TDRs, Transferable Development Rights, that's how we added
35 them where appropriate based on density decisions that were not driven by the need to
36 find locations for TDRs, but rather TDRs followed if the land use appeared to be
37 appropriate. And most of that is based on what the Planning Board recommended.
38 Where the Committee added on, really, was in the Town Center. What is interesting
39 about this staff recommendation, is that for Damascus that, unlike the usual town
40 center, where you have sort of a tenting effect in terms of density, the Planning Board
41 recommended a more even-handed approach across the Town Center part of
42 Damascus with some strong edges ultimately at the very edge. So while the Town
43 Center area, as indicated in the middle there, is the commercial core, the real question
44 was defining the edges of that and then moving on towards edges that fit in with existing
45 patterns of development and that set a hard-edge to the rural areas beyond. As I said,



April 4, 2006

1 the bypass issue troubled us and we will get back to that in May. For the Town Center,
2 the first property that we're going to talk about is the Miller property. You have that?

3
4 Marlene Michaelson,
5 I'm sorry, the Miller property is addressed under transition properties because it
6 straddles both. So we'll get into that in the transition properties. The first issue under the
7 town center was the zoning approach on page 6, middle of 7.

8
9 Councilmember Floreen,
10 Okay, right, the Mixed Town Center. Basically, we're proposing the Mixed Use Town
11 Center Zone to combine all the 10 different commercial and residential zones into one
12 mixed-use core. The plan recommends dividing the town center into two areas, an inner
13 core which emphasizes non-residential uses. Do you have a copy of that? Just the
14 Town Center?

15
16 John Carter,
17 On the wall, the purple...

18
19 Unidentified Speaker,
20 Sorry, we don't have the town center PowerPoint on the laptop today. I apologize.

21
22 Councilmember Floreen,
23 Okay, well, the town center is what's on the wall, over here.

24
25 John Carter,
26 But it's the purple area.

27
28 Judy Daniel,
29 Or on page 12 of your plan.

30
31 Councilmember Floreen,
32 All right. We have it in the packet?

33
34 John Carter,
35 The dark purple is the inner core.

36
37 Councilmember Floreen,
38 Well, the dark purple that is the inner core, the plan recommends to -- putting in the
39 down core an inner core emphasizing non-residential uses with the 1.0 FAR and 15
40 dwelling units an acre maximum, an outer core that goes down to .5 FAR and
41 commercial uses and 20 dwelling units an acre maximum. It limits residential heights to
42 45 feet in the inner core and 55 feet in the outer core, and limits heights for mixed-use
43 buildings to 55 feet and both the inner core and the outer core. It plans to enhance
44 Town Center identity, enhance the Main Street identity, enhance mobility and
45 connectivity and add the community open space. It supports a range of housing types



April 4, 2006

1 and making sure that it's street oriented and utilizing green technology. What is most
2 important for all of this and from the Committee's perspective is the likelihood that much
3 of this would redevelop. As I indicated earlier, there are only a couple of core parcels we
4 think are likely to redevelop, in particular, we'll talk about them. But the -- also the
5 concern is the edge. When you're talking about additional heights, you're talking about
6 relationships and as the maps show, there are a lot of existing folks there and a lot of
7 existing uses. And we wanted to make sure the compatibility is a priority in site plan
8 review there and that is what the zone will provide for.

9
10 Council President Leventhal,
11 Nancy, Mr. Knapp wanted to comment.

12
13 Councilmember Knapp,
14 At the -- are you done with the Town Center presentation portion?

15
16 Councilmember Floreen,
17 We're going to -- let's see here. Let me say a little bit more about the Town Center and
18 then did you care to comment about it.

19
20 Councilmember Knapp,
21 Just one comment, yeah.

22
23 Councilmember Floreen,
24 We have some -- go ahead and say it and we'll get into the...

25
26 Councilmember Knapp,
27 Okay, well, no, the only thing I wanted to recommend is something similar that we did in
28 the Olney Master Plan. And I don't know that it's compelling a need in Damascus as it
29 was in the Olney Town Center, because there was still a lot we were trying to get done
30 there. But the creation or at least the recommendation of for utilization of a Town Center
31 advisory Committee to address the compatibility. As we look at the form based design
32 that the whole -- the critical piece of that is the vision. And we don't necessarily have all
33 the code in place to show people that vision. So to at least have some level of
34 community participation to make sure that we have the community understanding the
35 same -- seeing the same vision as Park and Planning is seeing. And so to recommend
36 the use of an advisory Committee to make sure that as, because this is such a critical
37 component of the growth of this community going forward, or at least the character of
38 this community going forward, to make sure we have an advisory group that helps with
39 that process and so I wanted to make a motion just to include, at least recommend the
40 utilization of a Town Center Advisory Committee.

41
42 Councilmember Praisner,
43 I don't have a problem with that.

44
45 Councilmember Floreen,



April 4, 2006

1 No, there's a -- I don't think anyone has a challenge...

2
3 Judy Daniel,

4 I think it's a great idea. We've developed so much interest in the community during the
5 plan. Some I would very much like to continue. Right, and I would like to...

6
7 Council President Leventhal,

8 Mr. Knapp has moved and Ms. Praisner has seconded the creation of a Damascus
9 Town Center Advisory Committee. Without objection, it will be included in the master
10 plan.

11
12 Councilmember Knapp,

13 Thank you.

14
15 Councilmember Floreen,

16 That's fine, we didn't talk -- that didn't come up in Committee, but that's fine.

17
18 John Carter,

19 So you would actually like us to write it in the plan, much like we did in Olney?

20
21 Councilmember Floreen,

22 Yeah.

23
24 John Carter,

25 Yes.

26
27 Councilmember Floreen,

28 As I said, we're talking about using the MXTC Zone for the Damascus Town Center.

29 We're not so sure what kind of mixed use opportunities or options are likely to be used
30 by property owners. The Damascus Shopping Center owners expect to renovate their
31 commercial center in a manner to really hold their tenants in there. And they're not --
32 they told us that they're not too likely to make it a mixed-use center at this point. But,
33 you never know. So, we wanted to make sure that this continued to be an option for the
34 commercial area.

35
36 John Carter,

37 The existing zoning is a realm impediment, with 10 different zones, which is sort of the
38 history of zoning since whenever the history started. This is a much better approach.
39 Remember, we're not increasing overall density. It's the same density or less than they
40 could have gotten in the original zones, although it allows housing, but the overall
41 density is the same or less than the existing zones.

42
43 Judy Daniel,

44 Primarily less in the commercial zones. And I think, as Ms. Floreen pointed out, the
45 intent is not to push people to use mixed-use zoning, but to create an opportunity for it.



April 4, 2006

1
2 Councilmember Floreen,
3 And to add some real flexibility. And, as I said, this is pretty much how I expect that we'll
4 be going as we look at additional centers and additional opportunities for mixed-use
5 over time.

6
7 John Carter,
8 That is the plan for the plan.

9
10 Councilmember Floreen,
11 Being attentive, of course, to what is necessary in terms of infrastructure, to support that
12 and realistic about what is it's going to really going to yield. The plan recommends -- as I
13 said, the plan recommends limiting commercial density to .5 FAR in the outer area and
14 1.0 FAR in the inner core. And we're not so sure we need to worry about what the
15 implications of those numbers are because we don't see a lot of redevelopment on the
16 horizon, but you never know and so this will offer some flexibility, rehabilitation,
17 appropriate growth with some good attention to detail. We were, as I said also, we're
18 concerned in particular that the edges get attention, that new development adjacent to
19 existing uses needs to develop with compatibility in mind. There were -- and that was
20 our response to community concerns, who question some of these initiatives. And we
21 have prioritized this compatibility review as a way to address the classic concerns of
22 neighbors. And as can you see up on that map, which we have been able to locate, the
23 existing community folks are spread all around and we want to make sure that their
24 concerns are respected over the next 20 years. And...the -- let's see here. On the
25 compatibility with residential neighborhoods, you're recommending a more limited height
26 limit on the various edges of those, of the Town Center development. And I don't think
27 that the Committee would have difficulty with that.

28
29 Marlene Michaelson,
30 I think it was the Planning Board at time of development will assess compatibility and
31 make a judgment call as to whether they need to limit the hype on the edges.

32
33 Councilmember Floreen,
34 Yeah, and that was the intention all around. The issue requiring the use of TDRs for
35 residential properties in the outer area of the Town Center came up in Committee. Staff
36 -- we agreed that we would -- wanted to pursue that. And we will be getting appropriate
37 language to the Zoning Text Amendment for the MXTC Zone that will address TDRs in
38 these locations. We don't have it yet...

39
40 Marlene Michaelson,
41 We'll have to introduce it as a separate Zoning Text Amendment and have a hearing
42 since this is a brand new concept.

43
44 Councilmember Floreen,

April 4, 2006



1 Yeah, but we do have most of that before -- the rest of the zoning changes before us
2 later today for the Mixed-Use Center. In the best of all possible worlds, if all
3 development could occur -- did occur as according to Planning staff estimates we might
4 be able to achieve between 200-500 TDRs in the outer center. We'll see how much
5 redevelopment is truly likely in that outer area of Damascus core. But that is better than
6 allowing that additional residential development to occur without the measure that will
7 operate to protect the Agricultural Reserve in the long-term, which is the purchase of
8 TDRs.

9
10 Marlene Michaelson,
11 I did just want to clarify that the Committee's recommendation is to only place TDRs on
12 the properties that are currently RE-2C and R-200, only on the residential properties
13 where there's going to be an increase in density. So the TDR potential is not what you
14 see at the top of page 11, but just the, I guess, 142 to whatever the upper end of the
15 range is...

16
17 Judy Daniel,
18 335, it's at the bottom of 10.

19
20 Councilmember Floreen,
21 335? Okay.

22
23 Marlene Michaelson,
24 142 to 335 would be the range, depending on the type of units that are built.

25
26 Councilmember Floreen,
27 Right. Okay. With respect to the specific Town Center properties, the first one is the
28 Boyer and State of Maryland property. And we supported the recommendation that
29 these properties were appropriate for senior housing.

30
31 Council President Leventhal,
32 Ms. Floreen, maybe we could just ask Councilmembers if they have questions on the
33 Town Center. Maybe we don't need to highlight every detail.

34
35 **Councilmember Floreen,**
36 **Sure. I'm just waiting for someone to let me know.**

37
38 **Council President Leventhal,**
39 **If there are no questions, maybe we could advance the conversation.**

40
41 **Councilmember Floreen,**
42 **Well, if nobody has any questions about the packet, we can proceed**
43 **to....**
44



April 4, 2006

1 [LAUGHTER]

2
3 Councilmember Floreen,
4 I'm happy to do that!

5
6 Multiple Speakers,
7 [INAUDIBLE]

8
9 Council President Leventhal,
10 Let's hit the highlights, let's hit the highlights of each section.

11
12 Councilmember Floreen,
13 Yeah, the -- as I said, we -- we made a recommendation in the Boyer property, State of
14 Maryland. Can you point that out? We still haven't gotten a pointer. We still haven't --
15 well, stand up for a pointer.

16
17 Multiple Speakers,
18 [INAUDIBLE]

19
20 Judy Daniel,
21 Boyer property. State of Maryland property.

22
23 Councilmember Floreen,
24 Okay. So, there was no debate over that. The **Shoebe** property, you want to point out
25 where the Shoebe property is? That's at the edge of the -- of the Damascus Shopping
26 Center to the north. And there was not a lot of detail in the plan, but we wanted to add
27 language that noted that in some cases actions of earlier developments may not make it
28 possible for property to achieve the plan's objectives and the Planning Board may make
29 adjustments to the planned guidelines when necessary. Frankly that should go without
30 saying, but in this particular case, we know that the Damascus Shopping Center, in that
31 corner of the plan, is looking at redevelopment in a way that is not quite what the plan
32 anticipates at this point in time. And the property owner of the **Shoebe** property wanted
33 to be sure that if a Damascus Shopping Center did not develop in the hoped-for way,
34 that they wouldn't be held for a standard that would be inconsistent with that. So, that's
35 that language. With respect to transition areas, beyond the Town Center, the -- so,
36 that's really it on the Town Center. Anybody -- everybody happy? We can move on to
37 the edges. And the first one is probably the hardest one in terms of the debate and the
38 level of concerns. This is Kingstead/Leisher property. Now bring it up here. You do have
39 this in your packet. It is number 7 in this packet.

40
41 Marlene Michaelson,
42 And it's on Circle 11, 12 in the Council packet and in the color handouts for
43 Councilmembers.

44
45 Councilmember Floreen,



April 4, 2006

1 In any event, the Planning Board recommended -- let's see, RNC .4/TDR1 for this
2 property. The Committee majority supported that recommendation. What drove our
3 views on this was that under the proposal, we would require that the -- can you show
4 King's Valley Road there? It divides the property right down the middle. To the left of
5 that is RDT zoning. Our proposal for RNC .4/TDR 1 is contingent upon dedication of
6 everything on the left. Which is, what is it, about 160 acres, according to that?

7
8 Judy Daniel,
9 160, approximately.

10
11 Councilmember Floreen,
12 Approximately 160 acres to parkland. The Committee also recommends capping the
13 density on the southern portion of the property at 80 dwelling units with language in the
14 plan ensuring there will be a mix of townhouses and single-family houses. We
15 recommend that sewer could be extended to the northern portion of the property if it can
16 be done in an environmentally acceptable fashion. There was considerable debate
17 about this. And I'll know -- Ms. Praisner, if you want to speak to this -- some of us felt --
18 Mr. Silverman and I felt that it would be better to have a hard edge and to ensure the
19 acquisition of the property, about 158 acres, to parkland, to ensure that it would be
20 subject to control, to ensure that it would not be available for residential development or
21 any other kind of development over the course of Damascus' future. I think others feel
22 that -- that it's not worth the trade-off. And that -- that is unlikely to be an issue. But we
23 felt that that was a better way of establishing a hard edge and ensuring some
24 predictability in what is going to happen in this location. I will note -- and this is not
25 resolved yet -- that if there were a Bypass, this is one of the locations for the Bypass,
26 right down the middle. Of course, like everything else on the edges, there are
27 environmental issues and that makes it difficult to predict exactly what the
28 developmental opportunities will turn out to be and exactly how they could be handled.
29 Let's see here, if there's anything more on this subject. We also wanted to add language
30 to the plan that new development should consist -- should have a healthy mix of single
31 family detached and detached. And I did say in the Committee that if there were a way
32 to have zero lot line type units or units that weren't all townhouses, that would be a very
33 desirable goal. So, I know Ms. Praisner, did you want to comment?

34
35 Councilmember Praisner,
36 Yes, I did. Thank you very much, if I may. I think this is a critical parcel that should and
37 requires the Council's attention to the iterations of existing zoning and it's multiple
38 parcels with different zoning. The topography and the environmental issues on the
39 parcel -- and at one point I would like staff to comment on that -- and what are the
40 implications of going with the zoning that is being proposed? First of all, this is the
41 headwaters for the Little Bennett Creek, which is a Class Use 3 Stream. That's the most
42 sensitive of streams. And I would remind my colleagues that we should, I think, pay the
43 same kind of attention to Use 3 -- Class 3 Stream in Damascus, as we might have in
44 other areas of the County. And that we should continue to look at these issues from a
45 standpoint of headwaters. I'm concerned that adding the additional density, especially

April 4, 2006



1 with the TDR bonus, on the Kingstead property, will result in small lots, which, when you
2 have -- the smaller the lots, the more the problems that there are as far as the impacts
3 on the Use 3 Stream -- on any stream. But the smaller the lots, the greater the
4 imperviousness, the greater the impacts. When we've had properties with streams of
5 comparable quality in other areas of the County, we've limited the density to .33
6 dwelling units per acre. And that is not what is being proposed here. At -- when I'm done
7 with my comments, I'd like planning staff to give us whatever information they may have
8 on impervious surface issues. It's also constrained from a standpoint of the properties,
9 because of the creek, because of 45 acres of forested wetlands, with 14 springs
10 designated for parkland acquisition and 120 acres of forest. So, that's the significance of
11 the parcel -- parcels themselves. The other point is that as you go beyond this property -
12 - these properties, you see that the property is surrounded by RDT to the north, the
13 south, and the west. The adjoining property on the east -- properties on the east, are a
14 combination of RE-2C, which is one unit per acre, and RC, which is one unit per 5
15 acres. So, although some might argue that the property is close to the Town Center, it is
16 separated from the denser development of the Town Center by these lower density
17 areas that surround the property. I appreciate my colleagues' concerns about preserving
18 the parcels in the negotiation that might occur on the density by preserving the more
19 environmentally-sensitive land. And that would be ideal. The reality is that the maximum
20 development allowed under that current zone would be five units per acre and five units
21 only would be the maximum density. So, we're not talking about say taking a highly-
22 developed parcel out of development, like we might have in other areas. And those five
23 units would probably be clustered in one area. So, we're still, in the development of that
24 area, preserving significant amount of parcels. And I think you have to weigh that, the
25 preservation of that whole area, from the absence of five acres, with the stream
26 crossing that is associated with the 82 additional acres allowed on the east side of the
27 property, as I've started -- as we've begun to look at what the implications are. It seems
28 to me that in every property in this master plan, where the Committees recommended
29 increased zoning through the use of TDRs, there is a base density that would relate to
30 what would be allowed under the current zoning. In this case, it would be RNC .2, not
31 RNC .4 as the Committee majority supported. And I would also add that I think we call
32 into question whether this is an appropriate parcel to even apply TDRs to, if you look at
33 the parcels individually. So I would move that these parcels be rezoned RNC .2.

34
35 Councilmember Floreen,

36 Let me say that it is, I think to a certain degree, six of one, half dozen of the other, how
37 you define the edge of Damascus developable areas. If you look at the hand-out that we
38 have in terms of the map, you can see the question is what's the edge? I would say the
39 Committee majority on this -- and I think the Planning Board, to a certain degree, was
40 concerned about the prospects of McMansions out here. The big lot projects that are
41 permitted and will have to be on the land if we don't have a more constrained approach
42 to it all. We can disagree about how that is best achieved, but I think that the prospect of
43 even five major lots on the west side, when that could be all preserved in perpetuity for
44 the public for parkland, agricultural use, protection of the environment is a far better way
45 to go. That would likewise be the issue with the northern portion of this property, which



April 4, 2006

1 has a similar potential for large lots on septic and I think a very significant misuse of the
2 land. That's what we see now on Ag Reserve of these properties. That's what we will
3 continue to see if we don't require a tight cluster approach out here.

4
5 Council President Leventhal,
6 Okay, the motion has been made by Ms. Praisner and seconded by Mr. Andrews to
7 zone the Kingstead/Leisher property RNC 0.2/TDR 0.5. Could we get comments from
8 the Planning Board? And then I know Mr. Knapp as comments, as well.

9
10 Derick Berlage,
11 I will let the staff chime in if they'd like, but the Planning Board's view certainly was that
12 Damascus is not a Smart Growth location. The transition areas are intended to be low
13 density areas, not as low density as the RDT to which they transition, but certainly low
14 density. And a density of TDR 1.0 is a yield of one unit per acre. That is low density by
15 anyone's measure. So, the Planning Board does not feel that its recommendation is a
16 density that's incompatible with this particular location. Finally, Ms. Floreen makes some
17 excellent points about the environmental constraints, but under any RNC level of
18 development, you have the ability to cluster. You have the ability and the Planning
19 Board, certainly, through the review process, encourage the units to be clustered in the
20 place where they would do the least environmental -- create the least environmental
21 issue. So, we believe those objectives, likewise, can be achieved at the slightly-higher
22 density that the Board recommended.

23
24 Council President Leventhal,
25 Okay, Mr. Knapp?

26
27 Councilmember Knapp,
28 Just a question. I appreciate the discussion and I've had the similar discussion with my
29 colleagues as well as some folks in the community. What is -- if you look on page 14,
30 Marlene put together a good chart for us which talks about the various densities. And I
31 think the environmental considerations are an excellent concern. If you were to look at --
32 if you were to go down from an RNC .4/TDR 1, the proposal, as I understand it is what
33 you laid out in the Committee, right, Ms. Praisner? So, RNC .2/TDR .5, how does that
34 ratio work? Does the RNC .2 necessarily get you to a TDR .5 or could you have a TDR
35 1? And what would it do to the numbers?

36
37 Marlene Michaelson,
38 If you did the RNC .2/TDR .5 -- and my apologies, the numbers were missing -- the
39 base would be 26 units under the RNC .2, and you could go up to 84 units with the TDR
40 0.5. And it would be up to the property owner to decide how many TDRs they wanted to
41 purchase to get them from the 26 to the maximum of 84. It could be anywhere between
42 those numbers.

43
44 Councilmember Knapp,



April 4, 2006

1 How do you get that -- why a .2 and a .5? How do they end up linked together?
2 Because if you look at the recommendation from the PHED Committee for the property
3 owner, you're looking at a .4 and a TDR 1.0.

4
5 Marlene Michaelson,
6 Traditionally what we've done with TDRs is we've set a base density that is the
7 equivalent of what you can get with the current zoning and then everything above that
8 would be purchased through TDRs. So, 0.2 was Planning staff's estimate of what they
9 could yield if they developed under what is currently a combination of RC, which is one
10 unit per five acres, and RE-2C. So, the 0.2 would basically give them the same exact
11 base density. They could do what they could do under current zoning, and then any unit
12 they wanted above that they'd have to purchase TDRs for. If you have a base of 0.4, it
13 means you can get some increase in density over what you currently have without
14 purchasing TDRs.

15
16 Councilmember Knapp,
17 So...

18
19 Marlene Michaelson,
20 And then the 0.5, that's basically the maximum development envelope and to get to
21 that, you'd have to purchase TDRs.

22
23 Judy Daniel,
24 I could give some more background on that. The reason the original recommendation
25 was at the .5 level is we started with looking at what size lots would be appropriate,
26 within the building envelope that would be available, with gravity flow sewer. And
27 looking at the developable area and dividing it appropriately, 10 to 15,000, 20,000
28 square foot lots, which would be a lot range you'd want to be somewhat compatible. The
29 .5 gave you the approximate development potential to fit in the development envelope.
30 The subsequent proposals, which the Planning Board approved, reflected an expanded
31 building envelope by putting sewer north of the Little Bennett tributary that crosses the
32 property.

33
34 Councilmember Knapp,
35 Okay. Go ahead.

36
37 Pam Rowe,
38 I think another consideration is not just looking -- well, looking at the lot sizes. We've
39 looked at what some of the different RNC combinations, with and without TDRs result in
40 in terms of lot size.

41
42 Judy Daniel,
43 On Circle 53 of your packet.

44
45 Pam Rowe,

April 4, 2006



1 Also on Circle 84. This is a table looking at what lot sizes are achieved with various
2 combinations of TDR. South of the tributary, an area shown in orange on the map there,
3 and then also at the upper part, with rural cluster on septic. With the RNC .4 lots option,
4 you're looking at lot sizes about 9,000 square feet. If you cap the southern area at 80
5 units, with the TDR option. If you look at the northern area, you'd end up about between
6 16,000 - 24,000 square foot lot sizes. The significance of the lot sizes is what it does in
7 terms of your ability do certain types of environmental protection, such as open section
8 roadway, on-lot stormwater management and also it affects your overall site
9 imperviousness as well, obviously. And we looked at overall site imperviousness in this
10 area with the RNC/TDR option and these tributaries go from an existing imperviousness
11 in the 4 to 5% range with build-out imperviousness in the 6 to 7% range. And with the
12 alternatives RNC/TDR option, we're looking at going well above 10%, into the 13 to 15%
13 range. And that's not including the MPDUs or the Bypass or any of the other
14 development scenarios that might occur in the area. And in the Use 3 stream and
15 headwater tributary we do have that environmental concern. Notwithstanding some of
16 the other issues that the Planning Board considered. So, we're looking at those issues,
17 as well.

18
19 Councilmember Floreen,

20 The issue -- in this kind of situation, as with many of these areas, is what you calculate
21 those numbers on and what the trade-offs are. There are significant -- huge amounts of
22 open space that will be required. So, the issue is -- as well as preservation of half of that
23 property on the west side of Kings Valley, long-term wise. In terms of -- from any
24 development whatsoever. So the trade-off really is what's the deal? How can you
25 ensure protection in the long-term, keeping in mind that these sites -- if you're going to
26 cluster, you're going to have smaller lot sizes and will you really get the long-term
27 preservation of everything else that you wish to achieve? The developmental pads on
28 both of these -- on the east side, are very restricted. So that's the issue. How do you
29 achieve the controls on the rest? That's not in a lot. That is outside of the lot. The lot
30 size really is less important than the area that is ultimately preserved in open space and
31 under environmental controls. I think we probably all ultimately agree, except for some
32 of the design issues, perhaps.

33
34 Council President Leventhal,

35 Let me say to my colleagues, the property owner is requesting to address the Council.
36 Is there objection to allowing the property owner a couple of minutes to address the
37 Council?

38
39 Councilmember Subin,

40 We've not done that. You're setting a precedent.

41
42 Council President Leventhal,

43 Okay. If an objection is heard, we won't do it. Mr. Subin, you have the floor.

44
45 Councilmember Knapp,



April 4, 2006

1 Hold on. Hold on, I'm still...

2
3 Council President Leventhal,
4 Oh, Mr. Knapp, go ahead.

5
6 Councilmember Knapp,
7 Now, if you look on page -- on Circle 53, in the proposals you've outlined for us, you
8 have an RNC .2 and a TDR .75. Walk me through why that wouldn't be a viable option
9 and what the yields would be, the maximum yields in that kind a scenario. I don't know
10 who the right person to ask that to is.

11
12 Judy Daniel,
13 And I'd like to make a quick clarification. I mistakenly said that the Planning Board
14 recommended sewer on the north of property. They specifically did not. The Committee
15 recommended sewer to the north if environmental situations can be contained. The
16 Planning Board specifically did not want sewer north of the stream. I apologize. The
17 staff...

18
19 Councilmember Praisner,
20 And it was not unanimous.

21
22 Judy Daniel,
23 and was not unanimous -- the vote was not unanimous.

24
25 Councilmember Knapp,
26 The vote in the Committee was not unanimous. Right.

27
28 Judy Daniel,
29 Again, on Circle 53, we set out alternative scenarios that had to do with different ways
30 to look at the property. Going to above the .5 to a .75 gives you a few more lots,
31 basically, lot size. It's all a matter of proportion. As the lot gets smaller, the building area
32 becomes a little bit different and it just becomes a slightly more dense community.
33 Obviously from an environmental standpoint, it's better than the 1.0 with the
34 development in the two pods, but still it's not as protective as the .5. So, it's just a matter
35 of what the Council feels is appropriate at this location. And the trade-offs you get in
36 terms of open space, parkland and housing, in terms of the environmental problems.

37
38 Councilmember Knapp,
39 And so, by doing this type of recommendation, you don't -- a .2/.75, you don't think you
40 end up a dedication of the open space?

41
42 Judy Daniel,
43 No, no, you don't.

44
45 Councilmember Knapp,



April 4, 2006

1 Okay.

2
3 Councilmember Subin,
4 That's not correct.

5
6 Councilmember Floreen,
7 You don't get the property on the west side of Kings Valley.

8
9 Pam Rowe,
10 The property on the west side of Kings Valley is under -- with a cluster option on the
11 RDT part of the property, I think that because of the constraints, the environmental
12 constraints on that site include a wetland area shown -- a fairly large wetland area and
13 steep slopes in gray and that salmon color. So, your potential up is going to be about
14 five -- you'll have about five lots on cluster. And there'll still be large lot clusters required.

15
16 Councilmember Knapp,
17 And if sewer can be extended north of the creek, what are -- your options for rural
18 cluster on septic would be -- I mean you're just going to...

19
20 Pam Rowe,
21 That would be highly dependent on "perk" tests and things like that. But it would also be
22 fairly large lot on septic, too.

23
24 Marlene Michaelson,
25 And I do want to note, since this is the RNC zone recommended for the east side. Once
26 the Council decides on what you think is the right density, you can specify percentage of
27 open space. So, you can limit the developable area if you want to. The plan doesn't
28 explicitly do that now and the zone has a minimum requirement of 60%. The Council
29 could decide you only wanted a limited portion to be developed and set it as high as you
30 wanted to to protect the remaining areas.

31
32 Council President Leventhal,
33 Mr. Subin? Go ahead.

34
35 Councilmember Subin,
36 Thank you. Just as a matter of curiosity, how do we -- Ms. Praisner, how did you get
37 from the .21 TDR .56 to...

38
39 Marlene Michaelson,
40 I can address that, I think. The planning staff, when they came up with their estimates
41 were -- were doing a series of calculations to kind of back into those numbers. We
42 realize it didn't pay to go to double digits in that level of detail, so, we just kind of did a
43 rounding exercise.

44
45 Councilmember Praisner,



April 4, 2006

1 We evolved as we progressed.

2
3 Councilmember Subin,
4 So, you stay with the 28 units and 93 bonus.

5
6 Councilmember Praisner,
7 It's 26 and 84, I think.

8
9 Derick Berlage,
10 We round down in this case.

11
12 Councilmember Praisner,
13 We round down. They rounded up, I rounded down.

14
15 Councilmember Subin,
16 Okay. And for the Planning Board -- how did you get from -- what drove you from the
17 public hearing draft to the Planning Board draft?

18
19 Derick Berlage,
20 The Planning Board looks at every master plan that comes before it and looks for
21 opportunities to increase the supply of housing because there is a desperate need in
22 this County to increase the supply of housing, including affordable housing.
23 Acknowledging that Damascus wasn't a location where anyone was interested in seeing
24 a lot more density the Planning Board asked the question were there ways you could
25 get a slight, modest increase in density and still provide adequate environmental
26 protection and compatibility with the existing community? And the Board looked at a
27 series of transition properties -- and your analysis is a result of the Committee's work, I
28 think, essentially will focus just on two of what were originally seven properties that were
29 in play. And our slightly higher -- the Planning Board majority's slightly higher
30 recommendation...

31
32 Councilmember Subin,
33 It's not slightly higher, it's double.

34
35 Derick Berlage,
36 ...going from .5 to 1, reflected that desire to support housing. Now, remember, we were
37 looking at it in the larger context. All of the transition area properties that the Planning
38 Board majority recommended an increase in density for, altogether, they add up to a
39 potential additional 300 units. And we all know you never get the full potential. So at
40 most of the additional 300 on an existing base in Damascus of almost 6,000 and an
41 additional 7,000 housing units that would be available under anybody's version of the
42 Damascus Master Plan. So, it's a pretty small increase, but one that we thought -- the
43 Board thought would could be accommodated.

44
45 Councilmember Subin,



April 4, 2006

1 The problem I'm having here gets to some of the same issues, though I think this is, in
2 some respects, more pronounced than the Crown Farm discussion. In other respects,
3 it's not nearly the same. If there is any place in the that is correct has affordable
4 housing, it's -- it's Damascus and Poolesville. We don't put affordable housing in
5 Potomac, where there isn't any, or there's a real dearth of it. But we say in a community
6 where there is already almost 100% affordable housing, this is an opportunity to put in
7 affordable housing. Which, to some extent, is okay. But the price you pay here is an
8 environmental price. Is there -- is that the headwater for Little Bennett Creek?

9
10 Unidentified Speaker,
11 Yes.

12
13 Councilmember Subin,
14 So, the Board is recommending doubling the density and extending sewer on a property
15 that has a headwater.

16
17 Judy Daniel,
18 Actually, not extending sewer. There is existing sewer...

19
20 Councilmember Subin,
21 Oh, the Committee is now saying extend the sewer if -- I'm sorry, you're right, Judy.
22 That was my mistake, I apologize. But you're still -- you're doubling -- then I will get to
23 the Committee piece on that -- you're recommending doubling the density... on a site
24 where there's a headwater for -- "the" headwater for Little Bennett Creek. And that soil
25 up there is extremely rocky, so the ability to get in, whether you cluster it or not, septic
26 fields, is not real promising. And I'm not sure I understand the rationale behind that, but
27 for the issue of affordable housing. I mean we're going to have 90% of the Police
28 Department living there. We've already got 50% living out there. Which isn't bad if you
29 live in Damascus.

30
31 Councilmember Floreen,
32 Let me just say, Mr. Subin, the Committee's recommendation had nothing to do with
33 affordable housing. Our recommendation was -- the trade-off was acquisition of --
34 sticking with the numbers that the Planning Board had recommended, but permitting
35 them to be spread out more, really, which the Committee -- the Planning Board
36 recommendation would -- just about all of that density in the lower hunk of the
37 Kingstead property there. But the trade-off was acquiring all of that property to the left of
38 Kings Valley, which is about 150 acres, get that dedicated to parkland. And that was the
39 objective to create a strong edge and draw the line. What our concern was, and said
40 this earlier, was the prospect of more McMansions -- or mansions, in fact, on the big lots
41 out there, which is what the alternative approach that is advanced here on the northern
42 portion and on the western portion. That's that that would achieve. You'd get big houses
43 on big lots scattered about. If that's the vision you want, well, go for it. But that was not
44 the Committee's recommendation.



April 4, 2006

1 Judy Daniel,

2 I think it's what -- there would be some lots up there. Our position was there would be --
3 how many is yet to be determined, the soils are very bad, and a lot of that area would
4 have to be dedicated for the open space. That's the difference.

5
6 Pam Rowe,

7 And -- and in terms of headwater protection, cluster is the desirable goal. It's a matter of
8 what's the right density for this cluster, you know, in terms of what your lot sizes end up
9 being and what you can do in terms of other types of other environmental techniques to
10 mitigate the effects of that imperviousness. And then the second issue was the stream
11 crossing and how much if you allow a fair amount of density down here, do you want to
12 have twice as much ultimately by sewerage it and putting additional density in the area?

13
14 Councilmember Subin,

15 Well, the Board's recommendation of clustering -- which, out of context, I think is the
16 correct approach -- doubles the number of houses, which doubles -- it may not double,
17 but certainly significantly increases the impervious area and where is the water going to
18 drain off the impervious area? Is it going to drain towards or away from the headwater?

19
20 Pam Rowe,

21 It will be ultimately into the headwaters, yes. It's a question of how concentrated the flow
22 ends up being. And you can affect that by the lot sizes and ultimately the
23 imperviousness.

24
25 Councilmember Subin,

26 You know, I'm getting frowns and negative head shaking from the people indicate to me
27 that I'm on the right track here. You know, it's fun sitting up here and watching the body
28 language. I mean this is troublesome.

29
30 Pam Rowe,

31 Yes, Mr. Subin, it's challenging. It's been the challenge since day one on this plan.

32
33 Councilmember Subin,

34 But you guys -- and here's the other thing that's going on, here's are the dynamics. We
35 want the affordable housing and if you don't do it that way, you're going to end up
36 McMansions. Well, you know... I don't think you're going to end up either at the end of
37 the day on this, no matter what you do. Plus, the whole environmental issue here is -- is
38 utterly, it seems to me being negated with a suggestion to extend sewer in a transition
39 area. Now, I thought the policy was you don't do that, you don't -- we just went through
40 that whole fight on that issue with the PDFs or the PFDs or the PCFs -- whatever the
41 heck you call them.

42
43 Unidentified Speaker,
44 PIFs.



April 4, 2006

1 Councilmember Subin,

2 We went through that whole discussion -- well, us ADHD folks can't concentrate long
3 enough to remember -- I know there were a number of letters there and I do know that --
4 that a major part of that discussion was, do you extend the sewer across the street? On
5 one of them, it was that simple. Do you extend the sewer, something like 100 yards, if
6 even that far? And it was a resounding no. And it was a no-o-o-o because the street
7 was a transition area and the sewer, if it was extended, took you to a big farm. And so
8 the Committee majority is now saying, "Well, you can increase the density by clustering,
9 doing double what was there before, increasing the imperviousness so that it all drains
10 off into the headwater." And so no part of the creek ends up being protected. And...next
11 week -- if we went with this -- next week, next week somebody would put in an
12 application that says, "We can do this simply by tying into the sewer that the County
13 Council just approved." Took me a while to learn those things because we had -- we
14 had a major, major debate on Kings View Village in Germantown 18 years ago. And the
15 Chair of the Planning Board and the developer were like over here and nobody could
16 explain why they wanted things the way they did. The reason I stayed up here so long,
17 Mr. Perez, is because it takes me a while to learn stuff.

18
19 [LAUGHTER]

20
21 Councilmember Subin,

22 And, you know, I finally learned. So I -- I'm -- whether it's the .21 or the .2 -- I don't know
23 what the real difference is here -- I'll, I guess go with Ms. Praisner's. I would move Ms.
24 Praisner's...

25
26 Councilmember Floreen,

27 We've already moved it -- It's moved and seconded.

28
29 Councilmember Subin,

30 Okay. Well, then I will go with them on that because this is -- this is a very troubling
31 dynamic that's focused on the one property. It's troubling.

32
33 Council President Leventhal,
34 Mr. Knapp?

35
36 Councilmember Knapp,

37 You know, I just -- had a question that Mr. Subin just asked, which is the notion of you
38 have either these two extremes, you either get the density in this cluster or you end up
39 with large lots spread throughout. How do we get to that point that is somewhere near a
40 middle ground? Or don't you ever get there?

41
42 Councilmember Subin,

43 They don't let us get there, Mr. Knapp, because you get...

44
45 Councilmember Knapp,



April 4, 2006

1 Which they?

2
3 Councilmember Subin,

4 ...these adversarial debates and nobody explains anything and they all throw it up here,
5 hoping that we throw our hands up like we did with Kings View Village.

6
7 Marlene Michaelson,

8 Mr. Knapp, on the east side, where there's RNC zone, because you have the ability to
9 limit the open space, if you constrain the area that's going to be developed, then it will
10 be smaller lots. And then you can say, instead of allowing septic, you can require that
11 on the east side that the remaining portion of it be open space. So, you can control that
12 on the east side. On the west side, where there's RDT, it's true that if they choose to
13 develop, they can make those five lots exactly 25-acre lots and they could, in fact, be
14 very large. But it's certainly a limited number of properties we're talking about, a limited
15 number of homes in that category.

16
17 Councilmember Floreen,

18 The issue for this, really, is that septic will drive separation of houses. They've got to,
19 they need big fields. And all you have to do is drive around in the RDT zone and in the
20 rural areas and you see what the concern is.

21
22 Councilmember Knapp,

23 How much land on the west side is currently being farmed?

24
25 Councilmember Floreen,

26 Yeah.

27
28 Judy Daniel,

29 Almost... Well, the lower portion of it, mostly. The dairy -- the farm is down in here. I
30 think, as Marlene pointed out in her packet and I'd like to reiterate, yes, you might get
31 some lots on the west side, but we agreed we didn't feel that that was sufficient. Losing
32 -- you know, maybe getting four lots on the west is not enough of a trade-off for the
33 other environmental damage that might ensue. And the Committee saw it differently.
34 because they felt saving that, under current issues that the Council and the Committee
35 you're appointing is going to do it, it's a big issue. How do we handle these properties,
36 how do we keep them in farming? And keeping them open is important. But the
37 "percability" in that area is very difficult. So, we don't really know how many they would
38 get, but still, it is 25-acre zoning, not 5-acre zoning, so, it wouldn't be every 5 acres
39 there would be a large house and a lot. There would be 4, you know, maybe 5. On the
40 east side going north of the stream valley gets into some very dicey issues, once you
41 cross that stream with the sewer. And the logical arguments come up. Maybe not,
42 maybe so. There is sewer and you can drain to it and there can be some additional
43 development. Between .5 and .75 is probably a safer world than 1.0, unless the Council
44 agrees with the Committee that, you know, housing is something that the County needs
45 to deal with, even here.



April 4, 2006

1
2 Councilmember Floreen,
3 So, these are the trade-offs.

4
5 Council President Leventhal,
6 Mr. Perez?

7
8 Councilmember Perez,
9 I didn't see a recommendation from you, Marlene, on this. Did you have one? I'm
10 reading between the lines on page 15.

11
12 Marlene Michaelson,
13 Yes, I did, it was the same as Councilmember Praisner's, to limit it to the .2 and the .5.

14
15 Council President Leventhal,
16 Could you address this issue of whether the one approach gets you clustering and open
17 space and maybe parkland, which is the Committee's approach, and the assertion by
18 the Committee majority that Ms. Praisner's approach leads to McMansions?

19
20 Marlene Michaelson,
21 I certainly think that there's the possibility that the lots -- the homes you get there are
22 going to be large, so I don't want to say that you're not going to get large homes. But
23 from my view, when we're talking about agricultural protection, there have been debates
24 over getting, whether one home per 25 acres achieves agricultural protection. And I
25 think that's a very serious debate and that we have had and will continue to have. When
26 we're talking about environmental protection, in my view, one unit per 25 acres can
27 accomplish the environmental protection. So, I'm not concerned about the few lots that
28 would end up on the west side. Parkland protection or acquisition would be certainly
29 preferable, but I don't think -- as Judy just said, that the few lots that could be placed
30 there, if it's perked, is going to have as significant damage as the additional density on
31 the east side, which was what led me originally to recommend to the Committee the
32 lower density.

33
34 Council President Leventhal,
35 Mr. Subin?

36
37 Councilmember Subin,
38 I don't want to downplay or have anybody think that I don't appreciate what the
39 Committee's concern here was. I think it is very, very valid. But, "A," given the fact that
40 this whole area is overwhelmingly affordable, and is one of the few places where the
41 police officers, firefighters and teachers can live. And given, I think, what Ms.
42 Michaelson is saying about the issue coming down to -- if it's affordable housing versus
43 some McMansionization, and it would be a minimal amount, I think, given the soils up
44 there and the protection of the headwater. I think would clearly go where Ms. Praisner
45 and Ms. Michaelson went. We had the whole debate with the jail because the

April 4, 2006



1 headwater for Ten-Mile creek is there. And it was the placement of the jail on that
2 property and what we did about Kingsley Wilderness Center up there. And it was this
3 exact same debate, save for the fact it was -- if was not an issue of housing up there,
4 but the issue of imperviousness and where you put septic fuels and whatever else that
5 led us to that decision. And I think what Ms. Praisner is saying and what Ms. Michaelson
6 are saying are very consistent with that. I do understand and believe that the -- that the
7 Committee took an approach which was rational and reasonable under the
8 circumstances. But -- but there are just too many other considerations here.

9
10 Council President Leventhal,
11 Okay. Are there any more comments before we vote? Those in favor of the motion
12 offered by Ms. Praisner will signify by raising their hands. That is Mr. Knapp, Mr.
13 Andrews, Mr. Perez, Ms. Praisner, myself, Mr. Subin, and Mr. Denis. Those opposed
14 would be Ms. Floreen. The motion carries 7-1.

15
16 Marlene Michaelson,
17 If I could just get some clarification with regards to the issue of sewer. The Committee
18 had recommended language saying that there could be a sewer extension, if they could
19 approve it at time of development, that there was -- that it could be done in an
20 environmentally safe manner. And I didn't hear that as part of the motion so I wanted to
21 clarify...

22
23 Councilmember Praisner,
24 Correct, I did not make that as part of the motion but my view was with the Planning
25 Board's, which is no sewer extension. So, I would make that as a separate motion.

26
27 Councilmember Subin,
28 Second.

29
30 Council President Leventhal,
31 Okay.

32
33 Councilmember Floreen,
34 I think -- I think that's implicit in the vote.

35
36 Marlene Michaelson,
37 Okay.

38
39 Councilmember Floreen,
40 All of those things because...

41
42 Councilmember Praisner,
43 Well, that's fine. If there's no opposition to that assumption, I'm fine.

44
45 Councilmember Floreen,



April 4, 2006

1 Okay. Well, that was a hard one. So, every -- there are some.

2
3 Council President Leventhal,
4 Why don't we go ahead...

5
6 Councilmember Floreen,
7 We might want to break...

8
9 Council President Leventhal,
10 ...and go to lunch.

11
12 Councilmember Floreen,
13 ...and come back afterwards. That is the hardest one of these issues.

14
15 Council President Leventhal,
16 So, we will break until 1:30 when the Council has a public hearing. And we should
17 return to the Damascus Master Plan somewhere between 1:45 and 2:00 p.m.
18

April 4, 2006



1 Council President Leventhal,

2 Good afternoon ladies and gentlemen, this is a public hearing on a supplemental
3 appropriation to the FY '06 Operating Budget of the Montgomery County Fire and
4 Rescue Service for a Homeland Security grant award in the amount of \$2,630,000.
5 Action is scheduled following the hearing. I'm a little confused on the order here. This is
6 Homeland Security grant is number 14, okay. I was starting with the wrong item. And we
7 have no witnesses on agenda item 13, but I'm sorry on agenda item number 14 there
8 are no witnesses, but we're supposed to vote, so we'll vote in a few minutes. The
9 Supplemental Appropriation on the Fire and Rescue Service. I apologize if anybody is
10 watching this on television, my written materials are out of order. Agenda item 13 is
11 Zoning Text Amendment 06-07: Farm Building Supplies and Construction in the C-1
12 Zone, the PHED Committee work session will be scheduled at a later date. The hearing
13 record will close on what date, Madame Clerk? I don't have the date here in front of me.
14 I got two copies on agenda items, and no copies...

15
16 Ralph Wilson,

17 We typically make them two weeks, so I don't see any problem.

18
19 Council President Leventhal,

20 So, we'll hold the record open for two weeks from today on text amendment 06-07. We
21 have two witnesses, Greg Russ and Todd Brown, is Mr. Brown here?

22
23 Ralph Wilson,

24 Todd called, he's on his way here but he's most likely to be late. So, he sends along his
25 apologies, but it looks like he'll be late.

26
27 Council President Leventhal,

28 If he has written testimony we'll take it, Mr. Russ, please proceed.

29
30 Greg Russ,

31 Thank you. For the record, Greg Russ from Montgomery County Planning Board. The
32 Montgomery County Planning Board reviewed Zoning Ordinance Text Amendment
33 Number 06-07 at its regular meeting March 30th, 2006. The board...

34
35 Council President Leventhal,

36 Hold on, Greg, while we work this out. Okay, Greg, please proceed.

37
38 Greg Russ,

April 4, 2006



1 All right, again, the Planning Board voted unanimously to recommend approval of the
2 proposed text amendment as submitted. And included in the staff report. The proposed
3 text amendment would establish a new land use category called Farm Building Supply
4 and Construction, and limit it to uses of this type that were established by 1980. The
5 proposed text amendment was initiated to establish a grandfathering provision for an
6 existing use located in the C-1 zone and located in the Beallsville area of the County.
7 The business is unique in that it builds, stabilizes, and repairs barns other farm
8 outbuildings and fences of the Montgomery County Farming and Equestrian
9 communities. The Zoning Text Amendment would limit applicability to existing uses of
10 this type, thereby minimizing the impact of the amendment on existing C-1 properties in
11 the County that are located outside of the agricultural areas, and within or adjacent to
12 existing residential neighborhoods. The proposed farm building supply and construction
13 use serves a limited clientele, which includes accessories to farming and equestrian
14 facilities within a neighborhood consisting of agricultural and equestrian facility users, all
15 consistent with the purpose of the C-1 zone. The preservation of Agricultural And Rural
16 Open Space Functional Master Plan recommends preservation of farm land, a rural
17 open space throughout the western area of the County and the vicinity of the subject
18 property. The functional master plan also recognizes the need for commercial uses to
19 serve the agricultural industry and the rural community at large. The board supports the
20 proposed text amendment for the reasons I mentioned, and the fact that the
21 amendment would ensure that an existing commercial use that has provided services
22 exclusively to the agricultural and equestrian communities for almost three decades can
23 remain in business. I'll be happy to any questions you might have.

24
25 Council President Leventhal,
26 Thank you, Ms. Praisner.

27
28 Councilmember Praisner,
29 I support the intent of the legislation and probably support it the way it's written but I had
30 a concern or question. It would seem to me that C-1 areas near the agricultural zones
31 should have this capacity to have Farm Buildings Supply and Construction occur
32 whether or not they've been in continual operation since 1980. And rather than respond
33 to the business that has been in continual operations till 1980, suppose somebody else
34 wants to open a similar business in an area close to zone C-1 which would be parts of
35 Damascus Town Center at this point, certainly would be supportive of the intent and be
36 close to the Ag area. My point would be, is there another way to respond to the existing
37 business and not narrowly draft it such that we could encourage other businesses of
38 similar support for the Ag community to exist in C-1 zones in proximity to the RDT. So,
39 my question to you is when we get to PHED Committee, if you could look at, you and
40 Ralph, ways of phrasing this that say in C-1 zones within "X" miles of, or whatever, or
41 something and show us geographically where there might be similar zones, similar
42 properties existing at that zone, I'd like to make this responsive to more than just to the
43 business. It would also provide this capacity for the existing business but not be so
44 restrictive that you have to have been in business for 26 years to qualify.



April 4, 2006

1 Greg Russ,
2 Okay.

3
4 Council President Leventhal,
5 Mr. Knapp.

6
7 Councilmember Knapp,
8 No, I agree and we've drafted this narrowly to address this specific issue but we'd be
9 more than happy to have that conversation. I was struck by the fact this couldn't happen
10 in the first place, that we actually even had to address it at all. So, I think it's a great
11 idea, and would be as a bill sponsor would welcome looking at how we kind of broaden
12 this to make sure it happens throughout the Ag Reserve.

13
14 Council President Leventhal,
15 Okay, that's it, thanks Greg.

16 All right, now we are on agenda item number 14 and this is a public hearing on a
17 supplemental appropriation to FY '06 Operating Budget of the Montgomery County Fire
18 and Rescue Service for a Homeland Security grant award. The source as Federal grant,
19 the amount is \$2.63 million. There are no witnesses but the matter is now before the
20 Council. Did the homeland security, Chairman Knapp?

21
22 Councilmember Floreen,
23 I'll make a motion to approve it, I think we did not look at.

24
25 Council President Leventhal,
26 Mike, we're about to vote. Yeah, okay.

27
28 Councilmember Floreen,
29 I move that we approve it.

30
31 Council President Leventhal,
32 The motion has been made by Ms. Floreen and seconded by Mr. Perez that we approve
33 the supplemental grant, the source being a Federal grant for Homeland Security, the
34 matter's now before the Council. Mr. Knapp.

35
36 Councilmember Knapp,
37 Just one quick question. One of the issues that has come up is as we have, I don't know
38 who's, oh, gee, now one of the questions that's come up is the ability to house these
39 facilities, house these vehicles. We had a full-year lease cost of \$80,000. That seems a
40 little excessive to park a car, or park a bus, and I just was curious how we're addressing
41 this more broadly, because we're not doing, these are the not the only things we're
42 getting. So, how do, how are we addressing these, and how are we addressing other
43 pieces of apparatus that may not necessarily fit in a Firehouse or other places.

44
45 Chief Tom Carr,



April 4, 2006

1 Right. First of all, we aren't getting the whole lot. We're only getting one set in this case,
2 and, yes, we are space-constrained for sure. These are capabilities that we don't
3 currently have and are important capabilities for our local protection as well as our
4 regional protection. But to answer your question, every nook and cranny is our
5 approach here and try to put them in the best locations that we can from a deployment
6 perspective as well as available space.

7
8 Councilmember Knapp,

9 Where are we, I'm just curious as to where we're looking, where's this got to be located
10 that's going to cost \$80,000 a year just to park it?

11
12 Minna Davison,

13 Just as a clarification, the \$80,000 is actually related to the Police Command Vehicle
14 that was purchased earlier with, also with UASI grant funds. I don't think there's a cost
15 associated with housing the ambulance.

16
17 Councilmember Knapp,

18 We're good.

19
20 Chief Tom Carr,

21 Our piece of this is an additional cost.

22
23 Councilmember Knapp,

24 I'd like to try to get a sense, I mean, before we approve this, but I'd like to get a sense
25 from where we stand just, it seems like a pretty expensive garage. If we can get some
26 sense as to how we're doing that, and if there are some more cost effective ways we
27 can begin to explore. Thanks.

28
29 Council President Leventhal,

30 Ms. Praisner.

31
32 Councilmember Praisner,

33 I think Mr. Knapp raises a good question. The reason I put my light on is something that
34 Chief Carr commented on himself. I think it's important for the public who sees a \$2.6
35 million even though UASI grant money. There are two issues. One: Montgomery County
36 is doing the purchasing for multiple jurisdictions. This is the region's purchase under
37 our, because somebody's got to do the purchase. It might be the District of Columbia, it
38 might be Fairfax, it might be Alexandria, et cetera. Somebody, it's has to go through
39 somebody's procurement process and that's the rationale for the seven ambulance
40 buses and seven mass casualty support units. The broader question that Mr. Knapp
41 raises about what are the costs associate and the prioritization are good ones and there
42 may be some logic in some cases to locating them in a, again based on the best
43 viability for use, but when we're regionally there may be some benefit with some
44 locations that are multiple, that can serve multiple jurisdictions at the same time. In
45 essence there might be a place in Prince George's County that's good for Montgomery



April 4, 2006

1 County as well and you maximize that utility, and I think these are the things that we
2 need to look at. I wanted to use this opportunity to comment on the public hearing
3 recently held in front of congress but for the National Capital Regions on the issues and
4 the concerns raised by congressmen during that hearing. And while I concur with the
5 challenges and statements made by Tom Lockwood and others, about the status of
6 communication and the challenges that we face in this region, I want to also comment
7 that from my perspective, having had the opportunity to travel around this country and
8 interact with jurisdictions with less challenge, because they are into one state, they don't
9 have three states to interact with, we are further along than many areas of the country.
10 And I still think on the other hand, that there are things COG can do to refine and
11 narrow the number of groups and committees that are a function of a Council of
12 Government structure. I think 30 plus or so committees is too many. And, but I think the
13 NCR process, while cumbersome, and while yes, there are still deficiencies in this area,
14 the, I hesitate to name other jurisdictions. But there are a lot more that are not as far
15 along. And the fact that we have so many jurisdictions with 800 megahertz based on
16 individual decisions made by those jurisdictions, the absence of 800 megahertz in
17 Prince George's County is a function of a variety of things but not the region's problem.

18
19 Council President Leventhal,
20 Mr. Andrews.

21
22 Councilmember Andrews,
23 Thanks, just a couple questions for the Chief. How many, and maybe it's somewhere in
24 here, but how many people can the ambulance bus handle at one time?

25
26 Chief Tom Carr,
27 The ambulance bus is designed handle 20 stretchered patients at a time. That's a
28 capability that doesn't exist at that capacity anywhere in the region currently, even with
29 the military.

30
31 Councilmember Andrews,
32 Right, okay, what's the plan in terms of where they would be stored? And, you know,
33 positioned.

34
35 Chief Tom Carr,
36 As in Montgomery County or across the region?

37
38 Councilmember Andrews,
39 Yeah, in Montgomery County.

40
41 Chief Tom Carr,
42 We're still designing that plan. We have a number of options we're looking at. We
43 already have some, if you will, local capability at a much lesser degree, a lower level,
44 and we're going to try to integrate this into that, and match up available space. So it's a



April 4, 2006

1 puzzle to get the best deployment so I'm not sure we're ready to figure out or determine
2 exactly where they're going to be, where it's going to be.

3
4 Councilmember Andrews,
5 All right. Okay.

6
7 Council President Leventhal,
8 Mr. Knapp.

9
10 Councilmember Knapp,
11 Thank you, Mr. President. I just want to piggy-back on Ms. Praisner's comments. She's
12 exactly right. In the editorial in yesterday's Washington Post I think if I were reading it,
13 not knowing anything else, I would have gone away with great concern, because it
14 certainly left the impression as though we have region that is dramatically unprepared
15 for any significant incident. I think the reality is that, at least from a local government
16 perspective, we have a lot of key elements in place and we have a level of
17 communication and coordination that through you chief, and your efforts Fire Chiefs
18 Committee and Police Chief's Committee and the NCR, we have a lot of things that are
19 being done and being done well. That doesn't mean we have every answer to every
20 question but we have the mechanism in place to make sure if there is a significant
21 incident, be it through CAPCOM and through other processes being put in place that we
22 can respond well. I think probably the biggest challenge that we have is still what we
23 have seen over the course of the last year what are we doing locally, what are the
24 requirements interest a federal perspective, and how do we get those pieces to
25 interrelate and I think that part still he leaves a great deal to be desired. But I just, I
26 agree very much with Ms. Praisner's comments, and I just wanted to put that out there,
27 because I think as you said we're doing a lot of good things. We can do a lot of things
28 better, but I don't think it's necessarily as bad locally as the Post editorial may have led
29 people to believe.

30
31 Chief Tom Carr,
32 Certainly, Ms. Praisner's and your comments are right on. We from a Fire/Rescue
33 perspective specifically, the area I have knowledge in, we are so much better prepared
34 today than we were just two years ago. Training, equipment, personal protective gear
35 for Firefighters and Rescuers, air capacity, communications capacity, mass casualty
36 capacity, tremendous amount of resources that are not just resources plopped out in the
37 communities but are resources that are designed and developed to have specific
38 impacts on the whole region. It's remarkable. And as I talk to my peers across the
39 country, no one's where we are and we have very systematic approach to this and we
40 have absolutely enhanced capability of this region as a result of these last two years of
41 work. There's no doubt about it. We're better prepared including training.

42
43 Council President Leventhal,
44 Okay. The supplemental appropriation before the Council. Those in favor will signify by
45 raising their hands. It is unanimous among those present. Thank you, Chief Carr.



April 4, 2006

1 Always good to see you. We now return to our discussion of the Damascus Master
2 Plan. Ms. Floreen.

3
4 Councilmember Floreen,
5 Thank you Mr. President. The next time, give everybody a minute to come up, and get
6 comfy.

7
8 [LAUGHTER]

9
10 Councilmember Floreen,
11 Okay, the next item is the Casey Lewis property. As we warm up our display, this is,
12 let's see, number. 8 on our little map that we have in front of us. The Committee
13 recommendation is to not support the Planning Board recommendation on this, but
14 actually to go back to the public hearing draft, and, in fact, not to basically change the
15 density although we are changing the zoning. Mr. Casey requested that the Council be
16 aware that he would now like to see RNC zone .75 over 44 acres which would yield 33
17 lots. What the PHED Committee recommends is RNC .4, TDR .5 with a base density of
18 17 and a potential ultimate density of 22 lots. This is a very challenged environment. It
19 has a lot of steep slopes. It has a lot of environmental issues. And there are a
20 tremendous number of challenges here. Mr. Casey, the property owner, has been
21 seeking to provide affordable housing or productivity housing of some sort on this
22 property. The Committee recommendation would not support that. Basically what we
23 were convinced of was that the kind of development here should be consistent with
24 what is occurring right around it, particularly up on, I guess it's on Lewis Drive there. If
25 we could borrow a pointer from someone up there. That's existing housing. And you can
26 see the steep slopes on the property. There really aren't many options here. Whatever
27 that happens here, we think that the RNC zone should be employed because it has
28 more stringent open space requirements.

29
30 Council President Leventhal,
31 Mr. Subin has a question.

32
33 Councilmember Floreen,
34 Let me see if there's anything else to add. We respect the issues raised by Mr. Casey
35 for additional density here, but we were not persuaded that more was appropriate in this
36 location given its location and its very significant steep slopes and environmental
37 problems.

38
39 Council President Leventhal,
40 Mr. Subin.

41
42 Councilmember Subin,
43 Thanks, Mr. President. I think the Committee clearly went in the right direction on this,
44 what would be the practical difference, I know on the paper there's a 23 units of going
45 from the .5 to the .75, the .75, I imagine, would simply be the ceiling and if it was steep



April 4, 2006

1 slopes that that would in and of itself limit, and I'm hearing that .75 gets to you 33 units,
2 not 45.

3
4 Councilmember Floreen,
5 You're right. 33 units over 44 acres.

6
7 Councilmember Subin,
8 Okay. So the 45 that's listed on the chart on page 17 is not right. I mean, there's a huge
9 difference between 22 to 45 as opposed to 22 to 33.

10
11 Councilmember Floreen,
12 Is it 45 or 33?

13
14 Marlene Michaelson,
15 Judy, can you help us here with the numbers because I'm noticing too, we have some
16 inconsistency on the number of units right under different options.

17
18 Councilmember Floreen,
19 Mr. Casey gave me a piece of paper where he had done that calculation.

20
21 Judy Daniel,
22 Please to understand Mr. Casey's calculations differ from the staff calculations because
23 our records on the size of the property are different from what he is using. So we did our
24 calculations based on what our, what do you call the system that, the Ardvew system
25 says is the actual property sizes so his calculations will be a little different, the GIS
26 system. So essentially the .75 listed here would get you around, looking at two different
27 sets of figures. We did one based on .5 which is 22 and we did one based on 1.0 which
28 is 45, so in between that is about 34 units, excuse me...

29
30 Councilmember Subin,
31 1.0 looks like gets you 61.

32
33 Judy Daniel,
34 61 With the MPDU bonus. So if you look at halfway between the point, the 2, it would be
35 around 35 or 36.

36
37 Councilmember Subin,
38 Given that there's a difference, what would be the impact for the moment for assuming
39 that the size of the overall parcel, everybody agrees on that. But that you changed the
40 density with bonuses to 33?

41
42 Judy Daniel,
43 Yeah. I think the Main thing, the lot sizes from going to be the big difference. And at
44 around the 1.0 you get around 9,500 to 10,000 square foot lots. When you go up to the,
45 I mean, down to the .5 which is what's recommended, you get 17 to 20,000 square foot



April 4, 2006

lots which is more in character with the surrounding community. So let's look at it that way, if you look at a .75, you're going into that 12 to 16,000 square foot lot size which is smaller than what exists in the surrounding area. And this remember, as we're working on developable area of the property which you can see from Mr. Soukup's map which you were given, the developable area which is fairly small given the steep slopes on this property.

Pam Rowe,

The developable area is the area that is outlined in these orange outlines, that is the area that is outside the steep slopes., and I think on circle page 88 if that's what you're referring to, that provides a comparison of the lot sizes the .5 in for one, and you go from .5 you definitely are looking in the 13,000 to 18,000 square foot lot range. And then at one the 6,500 to 9,300 square feet. It's the same issue that we talked about earlier with the King study, it's the lot size in terms of what you can do in terms of environmental mitigation on lots with different types of storm water techniques, and once you get above 10 to 15,000 square feet or below that in terms of lot sizes then you're just getting into much smaller lots that make it difficult to do that type of mitigation.

Councilmember Floreen,

The Committee was really looking at a more single family detached units type here that would be comparable to what's there already.

Judy Daniel,

And there are...

Councilmember Floreen,

Mr. Casey would need to do a different housing type here to get his units.

Judy Daniel,

There are two development pods. There's a development pod here on Bethesda Church Road and these are single family houses, about half acre lot size on either side, and this is the pod up along Lewis Drive which feeds right into the Town Center in the middle of the Town Center and it's got single family of houses lined up on either side of this street. So this, if you've ever been out this developable area shown here is actually now used as a parking lot for the community fair that's held there every year owned by the fire department.

Council President Leventhal,

Could I just ask, Mr. Subin I had similar questions to yours, are we heading towards a motion here because as it stands there isn't really...

Councilmember Subin,



April 4, 2006

1 I'm not sure Mr. President. I'm caught here... between...let me see if I'm understanding
2 right from the environmental. Is it the size of lots that concern you with the 12 to 16,000
3 with the smaller lots or is it the number of lots in the impervious area?

4
5 Councilmember Floreen,
6 It's sort of both.

7
8 Judy Daniel,
9 The higher the density, the smaller the lots are going to get. And therefore, you
10 approach a compatibility factor with existing residential. You still would be developing
11 within these envelopes, but the storm water becomes a bigger issue. The runoff
12 becomes a bigger issue because you've got less bits of green space in between the
13 potential housing.

14
15 Judy Daniel,
16 By going into the higher density, if you're trying to accomplish a higher number of units
17 in that confined space, it's not like you can expand beyond the space you've got
18 because it's highly constrained. So, you're putting more and more units in a smaller
19 space then you end up with more concentrated imperviousness, and it's much more
20 difficult to treat in one location.

21
22 Councilmember Subin,
23 Okay, and you're saying that you're going from, my big issue here is that if you're going
24 to have density, it would be close to the Town Center. The problem here it looks like the
25 stream is coming between the lot and the Town Center.

26
27 Judy Daniel,
28 Yeah, the stream, the head water is right at the edge of the Town Center, this Town
29 Center and here's the head water. So it's right there, and it's extremely steep through
30 here. But we felt with the, and the Planning Board felt that, you know, some additional
31 density was warranted because of the proximity to the Town Center, but trying to keep it
32 compatible in terms of small lot but not super small single-family lots would be
33 appropriate. Again limiting the housing potential in this community.

34
35 Councilmember Subin,
36 Well, even with the steep slopes but for the stream I'd be inclined to go with the 33 and
37 putting the differences aside but with the stream being between the houses and the
38 Town Center and down at the bottom of those slopes, I guess Mr. President, I'm not
39 inclined to go there.

40
41 Council President Leventhal,
42 Well thank you Mr. Subin, I also had some conversations about this parcel and I
43 understand the Committee's thinking here, and I, my sense is the same as yours that
44 the support would most likely not be there on the Council for trying to change the zoning



April 4, 2006

1 recommendation here but it is something that I also spent sometime looking at. Ms.
2 Praisner.

3
4 Councilmember Praisner,
5 I'm okay.

6
7 Council President Leventhal,
8 Okay, so Ms. Floreen, go ahead.

9
10 Councilmember Floreen,
11 We'll keep going then. Kings Valley property is item number 12 on our transition hand
12 out sheet. You got a picture of that one? There's not much to be said about this.
13 Frankly, it's RDT land, it's sold its TDRs, and we said it stays RDT lands. So, there's no
14 recommendation to change the zoning on this one. Enough said. Next item is the
15 Burdette property. The Burdette property is number 5 on our little handout here that
16 shows the transitional properties.

17
18 Marlene Michaelson,
19 Circle 7 and 8.

20
21 Councilmember Floreen,
22 There you go. It's at the edge of the Damascus Town Center basically. Let's see here.
23 The Planning Board, let's see here. This property is going to be bisected by the
24 Woodfield Road extended. There's developable land west of this new road and there
25 are environmental constraints on the, all around really, primarily to the east. We
26 recommend the RNC zone as the appropriate zone to ensure clustering on the west
27 end, environmental protection on the east, the recommended zoning in the plan which
28 the Committee recommends is RNC .4, TDR .1, it is immediately adjacent to the Town
29 Center. And there you go, that's how it looks. What we did say, there was some
30 considerable concern about the location of a pump station in this, to support this project
31 which everybody agrees is necessary. And the Committee agreed that the language in
32 the plan could be clarified to be clear that the cluster development should occur in areas
33 outside environmental buffers but that, let's see here. The pump station may be needs
34 to be carefully located but may be but, needs to be located in a way that may not
35 impinge the buffer but we may need some flexible language there so that impacts to the
36 stream are minimized. And so that is a matter of some concern both to the property
37 owner and to WSSC which views this as a significantly needed project in this area, and
38 is concerned that the language in the plan would otherwise impede the location of the
39 pump station. So bottom line, we need some flexibility to allow that pump station to be
40 properly situated with some flexibility in the plan language but protecting the stream.

41
42 Judy Daniel,
43 I would like to mention to the Council that our staff met with WSSC and permitting on
44 Friday afternoon, had extensive discussions on this and are working on finalizing that
45 language to mutually agreeable. Currently the pump station is on the Shopping Center



April 4, 2006

1 property and the discussion is where to move it precisely that protects streams over to
2 the east, and yet can serve this developable property to the north and you can see to
3 the west of the developable property there's another stream headwater. These are
4 going into the Patuxent.

5
6 Councilmember Floreen,
7 Yeah, and we had some conversation about, we're getting into the details here, but
8 some conversation about the fact that grinder pumps may be appropriate here as well to
9 serve the area. If no one has more to suggest...

10
11 Council President Leventhal,
12 Mr. Subin's light is on.

13
14 Councilmember Subin,
15 No, I'm sorry.

16
17 Councilmember Floreen,
18 Okay, the next one are the Smart/Miner/Rice/Conway Properties. And again.

19
20 Marlene Michaelson,
21 Circle 17 and 18 for the maps.

22
23 Councilmember Floreen,
24 And they're 10 and 11 on our little County purple and blue cheat sheets. The Committee
25 recommendation here is to support the plan recommendation which is RNC .4, TDR .1.

26
27 Marlene Michaelson,
28 TDR 1.

29
30 Councilmember Floreen,
31 I'm sorry, 1.0 -- these glasses aren't as good as I thought they'd be. Mr. Smart wanted
32 us to extend the MXT zone to this property, because it's locate so close to Bethesda
33 Road and argues that that provides a natural, that's appropriate location. We took the
34 view that Bethesda Church Road provides a natural boundary for the Town Center. We
35 also did not support the request to go to a higher level of zoning R-200 because it
36 wouldn't provide the open space needed to protect the sensitive environmental features.
37 There is also an issue associated, where's the part that has the, issue associated with a
38 power line and any development here is encouraged to work with, I guess it's PEPCO or
39 BG&E perhaps with respect to the location of the power line. We're not to optimistic that
40 that can actually be, Allegheny there?

41
42 Judy Daniel,
43 That way, I'm not sure.

44
45 Councilmember Floreen,



April 4, 2006

1 We are not too optimistic that that can actually be done but that development needs to
2 deal with that issue and include tools to protect the environmental characteristics in that
3 neck of the woods. This is one of the other few areas where I think we had a
4 disagreement on the Committee. Didn't we, Ms. Praisner? So if you'd like to speak to
5 that, go ahead.

6
7 Councilmember Praisner,

8 I would, thank you. As you can see, what we have here are, I thought, parcels that were
9 zoned differently originally that maybe they're all in RE-2C, I wasn't too sure, it says it's
10 existing. But the original public hearing draft which is RNC .4 or RE-2C would yield to
11 comparable number of units to the existing plan. My concern was again with the
12 environmental and the stream areas and constraints within the parcels. I don't know the
13 extent to which staff may want to comment on this one as well. But if you go from the
14 recommendations, it's more with the density bonuses that I think you get the significant
15 additional development and the question or concerns about again the size of the, it's the
16 same kind of issue with topography, the size of lots and the number of lots that one gets
17 given the constraints and the issue of the streams that go through this parcel, how much
18 development one would get, where one would get it, and what size lots you would have
19 that raise the concerns for me that are somewhat similar to the comments that we had
20 earlier this morning on the Leishear property that we discussed. So, that's why I had a
21 different conclusion than the majority of the Committee.

22
23 Marlene Michaelson,

24 And there is a chart illustrating the lot sizes on circle 85, if you're interested in that detail.

25
26 Councilmember Praisner,

27 So, what would be the difference then, for the benefit for the public that may be
28 watching as opposed to working off our packet.

29
30 Councilmember Floreen,

31 21, isn't it?

32
33 Councilmember Praisner,

34 No, that's the number of units. I think what I was talking about was the size of the lot.

35
36 Judy Daniel,

37 Again with the .4 you're in the 22,000 to 34,000 square foot lot size which is actually
38 somewhat bigger than some of the surrounding lots. And with the TDR 1 they would be
39 in the 9,500 to 14,000 square foot lot size. So in that range on these two developable
40 portions, this is again right on Bethesda Church Road, this is fronting along Ridge Road
41 to the south. Well, it's accessing Ridge Road it's behind existing lots in this linear
42 development pattern in Damascus that front on Ridge Road. These development pods
43 would be able to have the lots in the 10,000 to 14,000 square foot lot.

44
45 Councilmember Praisner,



April 4, 2006

1 So, is your view that the staff, the Committee recommendations do give you compatible
2 lots without the impacts on, that would be the issue on the previous properties that we
3 discussed?

4
5 Judy Daniel,
6 They're not nearly as much of an impact as the Kingsstead because there's more
7 developable property.

8
9 Councilmember Praisner,
10 Then I won't make any motions on this. Okay, next item, yeah, Mr. Leventhal had to
11 step out so if you'll just continue.

12
13 Councilmember Floreen,
14 Okay, so we'll just keep going then, Stanley Leishear properties are again, let's see
15 here, number nine on our little cheat sheet. The Committee.

16
17 Marlene Michaelson,
18 Circle 15, 16.

19
20 Councilmember Floreen,
21 The Committee recommends supporting the plan recommendations and adding
22 language that the actual amount of development may be limited because of
23 environmental constraints. The recommended zoning is once again RNC .4 TDR 1. We
24 discussed again, as with all these properties, the key issue has been the environmental
25 attributes which reflect acres of forest, stream valleys, wet lands, and slopes, that is the
26 character around the Town Center there and again the RNC zoning is agreed to be the
27 best way to preserve a significant amount of open space on the site. It's very close to
28 the Town Center and we believe the planned density was appropriate, but we need to
29 make sure that the identified environmental constraints are protected and compatibility
30 with existing community is assured. We have, we're informed that with the
31 recommended increase in density basically it goes up to the potential for 32 units here.
32 That adjacent neighborhoods with aging septic systems have the potential to receive
33 sewer assistance and the plan indicates that actual development potential may be
34 limited due to environmental consideration. And we recommend making that very clear
35 in the plan. We also, because of the sewer issue, recommended adding language to the
36 plan recommending a pump station to serve development, and that it be located in a
37 manner to minimize impacts to the buffers.

38
39 Councilmember Praisner,
40 Okay, keep going.

41
42 Councilmember Floreen,
43 So, everybody happy? Souder and the adjoining properties, that is number 14 on our
44 cheat sheet. It is a small piece of land, 3.7 acres. The Committee recommended the
45 plan recommendations at R-90 zoning be adopted and added, we recommended adding



April 4, 2006

1 language to the plan requiring the Planning Board to address compatibility at the time of
2 zoning. Right now it's zoned RE-2C and it does recommend, the plan does recommend
3 rezoning it to R-90 because of its location at the edge of the Town Center. The property
4 owner wanted us to increase the density, or the zoning, to allow it to be developed in
5 coordination with property that's adjacent, you showing it? We don't have an actual slide
6 for this one?

7
8 Marlene Michaelson,
9 Yeah it's right here on the bottom.

10
11 Councilmember Floreen,
12 This is behind the elementary school. Well, it's hard to see. It's behind the elementary
13 school and it's connected by a little tad. Do you want to show that a little bit to MXTC
14 zoning?

15
16 Judy Daniel,
17 Actually there's the edge right in there.

18
19 Councilmember Floreen,
20 So they argued strenuously for the ability to treat it under the same zoning. We weren't
21 persuaded that coordination couldn't be achieved with a lower number. With a different
22 zoning category than R-90. And we did not think that the units per acre allowed by the
23 MXTC zone would be appropriate here. This would be you can tucked to the rear of
24 some existing homes and we did not see this as a place to increase density. In any
25 event, compatibility concerns will be paramount in the future development of this little
26 piece.

27
28 Judy Daniel,
29 Just as a little caveat, we'll add some language to the plan indicating that cluster is
30 appropriate at this location.

31
32 Councilmember Floreen,
33 Moving right along, the next one is the Warfield property. This is on the other side of
34 town.

35
36 Marlene Michaelson,
37 Circle nine and 10 for the maps.

38
39 Councilmember Floreen,
40 Circle nine and 10 and number six on our little purple and blue cheat sheet which is my
41 cheat sheet. We recommend, let's see, on this one the plan recommend zoning RNC .4
42 TDR 1. The PHED Committee recommended zoning it RNC .4 TDR .75 because of the
43 environmental constraints on this property. We appreciate the fact that this property is
44 close to the Town Center and immediately adjacent to higher development across
45 Woodfield Road and, therefore, it's appropriate for a little bit of additional density



April 4, 2006

1 allowed that by the current zoning of RE-2C, however; there are some significant
2 environmental constraints and looking at this property, it really seemed that this was an
3 appropriate place to be clear about the edge. Right beyond it is a significant open
4 space, and I think this is RDT lands to the east is that right?

5
6 Judy Daniel,
7 Actually it's rural cluster.

8
9 Councilmember Floreen,
10 Rural cluster to the east and we did not recommend any higher numbers for this. So
11 here we're going back as with that other property, we're going back to the public hearing
12 draft on that. That's the Committee recommendation. Mr. Knapp, I think had a comment.

13
14 Councilmember Knapp,
15 I do, I just want to get a little more discussion about that point as to how the Committee
16 end up from 1.0 the Planning Board draft to .75. Looking at least the way we've got of
17 drawn up here and given the proximity of the Town Center and development across the
18 street, this seems to be logical place given some of the requirements we put in the rest
19 of the plan to probably at least go to the 1.0. I'm not clear how we made the decisions
20 that we did.

21
22 Councilmember Floreen,
23 The Committee recommendation on this one was that some additional density was
24 appropriate. What would be permitted under the public, our recommendation would be
25 an increase from 31 units up to 70 units. So that that was a good enough increase that
26 respected that relationship while it still offered an edge to the town.

27
28 Councilmember Knapp,
29 Just looking at the map, it would appear as though any of the development that would
30 occur would be clustered toward the front of the property so you'd still retain that he
31 edge whether it was TDR .75 or TDR 1.0.

32
33 Judy Daniel,
34 It's a difference of the lot sizes, and again the lot sizes would not be extreme even at the
35 one, but they would be a little more able to protect the open space somewhat better and
36 the stream buffers using the .75. .75 was the original public hearing draft
37 recommendation and when the Planning Board went to look at somewhat higher
38 densities, this was one of the first it considered because it had significant open
39 developable property. But in terms of how much density, again, it's a trade-off of lot
40 sizes and...

41
42 Councilmember Knapp,
43 Okay, I guess I'm still kind of struck because this is a conversation we had earlier that, if
44 the environmental concerns were so significant, then how did we miss that coming out



April 4, 2006

1 of the Planning Board's recommendation only to go back to it once we got to the PHED
2 Committee? I struggle with it.

3
4 Councilmember Floreen,

5 Well, because we're thoughtful people, and we don't always agree with everyone as is
6 evident that did not involve a big tradeoff for park land as we had recommended over on
7 the west side, in the Kingstead Leishear property. This did involve those same kinds of
8 trade-offs, so given the environmental concerns that have driven most of these
9 transition areas, we did not advance a higher density here.

10
11 Councilmember Praisner,
12 If I can jump in.

13
14 Councilmember Knapp,
15 Sure.

16
17 Councilmember Praisner,
18 I think one of the issues was again looking at the properties nearby and lots and lot size
19 issues so consistency issues.

20
21 Councilmember Knapp,
22 I guess the question I would ask if you were to go up to 1.0, I mean, you're going to be
23 constrained environmentally whether you go .75 or 1.0. So, even if you go up to the 1.0
24 wouldn't you, your development would still only occur wherever it is allowable to occur.

25
26 Pam Rowe,
27 I don't have that detailed size on the lot size you say.

28
29 Judy Daniel,
30 I think they would be, if I'm recalling correctly, they would probably be in the 12 to
31 15,000 square foot lots at 1.0 and the 16 to 20,000 square foot lots at the 1.

32
33 Councilmember Knapp,
34 And what are the parcels adjacent?

35
36 Judy Daniel,
37 They are much smaller actually because these are clusters and there are 200 and
38 they're townhouses so it's some significant density on the west, but this is the edge. The
39 part of it...I think my pointer has finally died. Bummer.

40
41 [LAUGHTER]

42
43 Councilmember Floreen,
44 Dan's pointer.



April 4, 2006

1 Judy Daniel,

2 I don't know if you've been up there, but if you're going north on Woodfield, this is one of
3 the prettiest views in Damascus over to Mr. Warfield's farm over to the east. And by
4 confining the development in these, you know, pods that are outlined in orange you are
5 going to preserve those views, but the fewer houses there are the more you could
6 compress that and the more you could have a really dynamic vista out there that's part
7 of it. But and it is the edge of town, admittedly across the street the lots are smaller,
8 there is 12 to 15,000 square foot.

9
10 Councilmember Knapp,
11 And right next door.

12
13 Judy Daniel,

14 Yeah, I can't point, but yeah, to the south perhaps not but to the west, definitely, they're
15 significantly smaller. You can kind of see that also on your handout from Mr. Soukup.

16
17 Marlene Michaelson,

18 If you look at circle nine you can actually see the adjacent zoning and the lots. There
19 are some directly adjacent to this there are some townhome developments so there are
20 some smaller lot sizes.

21
22 Pam Rowe,

23 One of the issues also is that this is the dividing line. The roads are on the ridge, like all
24 the roads in Damascus, and this area drains to the tributary of Great [Seneca] that's
25 actually in good condition still, in terms of our County sampling data. Biological sampling
26 data shows this is a much higher conditioned stream, over here you're into Magruder
27 Branch and there has historically been a lot more density in Magruder Branch and the
28 stream conditions are degraded. But looking at this property that was one of the factors,
29 even though some of these properties are on the west side over here are smaller, if you
30 went to those small lot sizes over here, you'd be in the same kind of issue we've had on
31 the other properties where you're getting into lot sizes that aren't compatible with for
32 environmental protection that we need to protect the stream quality.

33
34 Judy Daniel,

35 But they would be compatible with what's across the street, it's a trade-off. You have
36 townhouses across the street, RT 10 and RT 12 .5. And it would still be in balance.

37
38 Councilmember Knapp,

39 We've taken care of that, I think, with the [INAUDIBLE], I'd like to move on back what
40 the Planning Board had recommended. I don't know if anyone will support that or not.

41
42 Councilmember Subin,
43 I will second it.

44
45 Council President Leventhal,



April 4, 2006

1 Okay, Mr. Knapp has moved and Mr. Subin has seconded the Planning Board's
2 recommendation for the Warfield property. And I guess we've heard already the
3 Planning Board's answer. Okay. I'm sorry, what, just remind, which page is the chart
4 on?

5
6 Derick Berlage,
7 25.

8
9 Councilmember Floreen,
10 25. The Committee, Mr. Knapp's recommendation would increase the density here by a
11 potential of 25 units.

12
13 Council President Leventhal,
14 Okay. Those in favor of the motion will signify by raising their hands. That is Mr. Knapp,
15 myself, and Mr. Subin. Those opposed are Mr. Denis, Ms. Floreen, Ms. Praisner, Mr.
16 Andrews and Mr. Perez. The motion fails by a vote of 5-3.

17
18 Councilmember Floreen,
19 Okay, next property is the Miller property. This property currently is zoned, do you have
20 a picture of that one? It's number 13 on my cheat sheet.

21
22 Marlene Michaelson,
23 Circle 20 and 21.

24
25 Councilmember Floreen,
26 It's a small piece, it's 21 acres. Currently zoned RE-2C, PD 5. Mr. Miller has been
27 seeking rezoning over time and not been supported because of environmental
28 constraints. This is a portion of the property is located west of the Town Spring tributary
29 stream buffer and it's pretty sensitive. Although there are some environmental
30 constraints on the property that can limit anything on it, we recommend, we support the
31 plan zoning recommendations for the property because of its proximity to the Town
32 Center. That would be to rezone it to RE-1.

33
34 Judy Daniel,
35 Without sewer.

36
37 Councilmember Floreen,
38 Okay. Town neighborhood areas, there was I think little debate about these. You got it?
39 The Committee recommendation is support, to support the Planning Board draft on this.
40 Basically it's designed to protect the existing communities the rezoning is really just to
41 make sure that older homes there may be considered for sewer as their aging septic
42 tanks begin to fail. We do anticipate that they may happen, and we also support
43 rezoning the properties to conform to existing lot sizes. We did adjust the boundaries of
44 Ridge Road in the north to include properties that were what we felt were closest to the
45 neighborhood and most appropriate for this kind of treatment. Without any further...

April 4, 2006



Council President Leventhal,
No lights.

Councilmember Floreen,
...questions, we'll move on to the rural transition area. Again no debate, we recommend supporting the plan recommendations for this. We're talking about 580 acres. Current zoning is RE 2C, we recommend RNC. The reason for this is again this is the issue of extending public, there was an issue of extending public water to these properties. There are about 260 because the older subdivisions are facing failing wells or septic systems. We do recommend down zoning them because of environmental concerns.

Council President Leventhal,
No lights.

Councilmember Floreen,
Moving on to the rural areas generally, we, the real issue here probably is language that we're going to include, that includes guidelines regarding rural vistas, to make sure really the essential sense of Damascus is maintained and preserved, that was the main debate with respect to, to the extent that there was one, to the extent to apply to special exception guidelines. Within RDT generally, we did not support any requests that would rezone RDT land to any higher densities. Finally with respect to the rural village communities out there, which consist of Browningsville, Etchinson, and Purdum which I know you all know...well. We're supporting the plan's use of the Rural Village Center Overlay Zone for these communities, and we're going to revise the plan to reflect this. We'll talk a bit about the details in the Zoning Text Amendment itself. Largely I think this is an extension of the plan use for Darnestown, right?

Marlene Michaelson,
Yes.

Councilmember Floreen,
Yeah, we'll get into that with the zone issues, but there are no changes recommended, again the real issue is some of the details that preserve those little village-like communities and the character of those. And so that anything that occurs there will be guided by attention to compatibility and scale.

Council President Leventhal,
No lights.

Councilmember Floreen,
Housing Policy, we're all for it. The plan recommends, supports some senior housing and we talked about a couple properties that seem to be, was appropriate for senior housing, that's a state of Maryland property and the Boyer property which is adjacent to Damascus United Methodist Church. I'm not sure either [INAUDIBLE] has plan in place

April 4, 2006



1 to proceed. But it was staff's recommendation that these were suitable and we think
2 that's appropriate, and generally speaking what we really want here is to retain the
3 small town character of Damascus. The environment that's really what drives as we've
4 talked about, the only disagreements there've been here are how we best preserve the
5 environment, what are the best tools? That really what is drives most of the
6 development issues with respect to Damascus, and there's very strong language in the
7 plan with respect to protecting the environment. And we recommend that this be very
8 clear and adhered to. Historic preservation. We were really unhappy that we did not
9 have all the historic resources in the area before us. So that will come back to us at a
10 later time. The time frame for completion of the review is not clear, no doubt we'll hear
11 about it in budget requests. However; basically the plan doesn't recommend that any
12 new sites be designated for historic preservation. Community facilities are in order. The
13 plan's goal is to provide a network of parks, trails and protect the environment and it
14 notes that the area is adequately served by a library, post office and the up County
15 regional services center. We support the plan recommendation for the acquisition of
16 park land. It recommends a variety of acquisition and development projects overall.
17 Really consistent with our overall planning and development approach. Likewise, with
18 respect to trails, we recommend supporting it's objectives which recommends extending
19 the Magruder Branch hiker/biker trail and providing various safe road crossings at
20 locations. And again the plan also recommends amending the County park trail plan to
21 reflect the link added between the Seneca trail and the little Bennett trail system, and
22 identify the importance of a sidewalk or path along Valley Park Drive and various trail
23 connections during the subdivision review process. Related to that, of course, is open
24 space and we support the plan recommendations on that issue. Community recreation
25 facilities, we recommend making it clearer that the Recreation Department will be
26 supporting, studying the location for an indoor and/or outdoor swimming pool. There is
27 some inconsistency on that part and we recommend that the language be clarified to
28 identify the fact that the Rec. Department is studying a location, not need for a
29 swimming pool. Schools, we're okay with schools. The plan does recommend retaining
30 two vacant school sites and modernizing and utilizing the existing schools as necessary.
31 If they are declared surplus, plan recommends acquiring them for additional park land.
32 Public safety, the Committee recommends removing references to aerial unit at the
33 Damascus Station 13. We concurred with MCFRS' suggestion to delete this reference
34 because master plan should only address space needs and should not describe
35 operational features that may change over time. Miscellaneous, back to the beginning,
36 houses of worship. Luckily, well, this is a situation where the rubber does actually hit the
37 road in our expressions of concern for the religious institutional community. We
38 recommended adding language generally to this plan on noting the importance of
39 religious institutions in Damascus and, of course, communities throughout the County.
40 Damascus is heavily served by the faith community. We had some public testimony by
41 churches expressing their concern about the planning process and we heard quite a
42 great deal for Church of the Redeemer and that they have problems that they want us to
43 solve. We have, there we have it.

44
45 Council President Leventhal,



April 4, 2006

1 Ms. Floreen?

2
3 Councilmember Floreen,
4 Yes.

5
6 Council President Leventhal,
7 I just wanted to comments when you're ready.

8
9 Councilmember Floreen,
10 Sure. Well, I was going to talk about the issues in Church of the Redeemer. Did you
11 want to say something beforehand.

12
13 Council President Leventhal,
14 I do want to say something before hand.

15
16 Councilmember Floreen,
17 Well, why do you.

18
19 Council President Leventhal,
20 I appreciate it, and I see Mr. Knapp wants to comment as well. Pastor [Shek] is here in
21 the audience, and he along with other clergy have been in contact with the Council over
22 the last year urging us to improve the dialogue that we have with clergy and with faith
23 communities throughout the County, and I know that this is something that Mr. Knapp
24 feels strongly about as many other Councilmembers do. And along with Mr. Knapp, I've
25 been working to try and facilitate a dialogue, not only on land issue issues, although
26 land use would be part of the conversation, and staff has now identified a date of June
27 29th from 1:30 to 4:30 in the afternoon, and this would be in effect a Town hall meeting
28 at which the entire Council would be invited, and what we're going to do is we're going
29 to try to identify every clergyman in Montgomery County and invite them to meet with us
30 for three hours and the purpose is not for us to give speeches to clergyman, it's for us to
31 hear what are the concerns of the faith communities, and we're going to be putting
32 together a planning group, Pastor [Shek], and you are welcome and anyone watching
33 this is welcome to get in touch with us with ideas as how best to structure the
34 conversation most productively. We obviously made a number of decisions regarding
35 PIFs that I think were the right decisions, but which, June 29th is a Thursday afternoon,
36 which many clergy felt that they were not adequately consulted on. And the purpose is
37 no to revisit decisions that we've made, and the purpose, is to some extent, to be
38 determined, obviously I have some thoughts as to how we might best use those three
39 hours, but I also want to have a planning Committee work with me. So I want to take
40 this opportunity to let my colleagues know that staff has identified this date, Thursday
41 afternoon June 29th from 1:30 to 4:30, I want to let Chairman Berlage and Planning
42 Board and staff be aware that we believe that this meeting is going to take place. I've
43 been in touch with Chairman Berlage about my thinking in this area. And again the
44 conversation would address land use issues, I would hope we could also talk about
45 Health and Human Services, there may be Homeland Security issues, there may be a



April 4, 2006

1 wide range of things that Pastors would like to share with the Council and this would not
2 be the only opportunity. There's discussion of a, this is all tentative, but since you're
3 here and since my colleagues are here, there's some thinking about an ongoing
4 advisory committee of some kind. Mr. Knapp has offered suggestions for some land use
5 approaches that would encourage or assist and facilitate houses of worship. None of it
6 is firm at this point, but we're reviewing all these issues, but this date has been
7 proposed by staff, and I just wanted to make my colleagues aware of it. And Mr. Knapp
8 wanted to make some comments at this time also.

9
10 Councilmember Knapp,
11 [INAUDIBLE]

12
13 Council President Leventhal,
14 When we specifically get to the Church of the Redeemer, okay Ms. Floreen let's get to...

15
16 Councilmember Floreen,
17 Well, we're at Church of the Redeemer.

18
19 Council President Leventhal,
20 Well, let's hear about it.

21
22 Councilmember Floreen,
23 Let me just say, as I said, they've got a problem. Their property is on Ridge Road, it's
24 only 8.5 acres, and they're looking to expand in place. They have, their problem is their
25 parking lot and how they can expand it to serve their anticipated needs and the growth
26 they anticipate. They are right adjacent to the extension of Woodfield Road, you want to
27 show them on the map there? Woodfield Road runs right by it, and we the county will be
28 taking about 1.5 acres of their property for the right-of-way of Woodfield Road
29 expanded, which only makes their problem worse. They don't have much room on site,
30 they're right by the environmental buffers, and currently within the Patuxent water shed,
31 they are very constrained on site as to what they can do that meets the rules and allows
32 them to expand. Basically they can't unless we say; give some clear direction on this
33 point. The Committee actually couldn't agree on this, so left it up to all of us to sort out
34 the options. They have asked for some specific language that would solve their
35 problem. They propose and underground storm water management system that would
36 go underneath the parking lot, they would request an additional waiver of the impervious
37 limit requirements in the Patuxent Primary management area. The proposal would allow
38 them to increase imperviousness to 40% and they need a waiver to expand the
39 impervious area into the stream buffer area. This would allow them to construct the
40 parking lot that they need to support their onsite church expansion, that's option number
41 one. Option number two; and we did spend some considerable time on this in
42 Committee, and asked the staff to look at solutions, Park and Planning did run through a
43 variety of possible options. Of course Park and Planning is concerned that we would get
44 into the details of the church's project in the master plan which is somewhat unusual,
45 and they are concerned about the precedent that option number one would mean for

April 4, 2006



1 the Council and development generally. The church, I know feels very constrained
2 otherwise without this language. Option number two is to make every effort to locate
3 parking outside the stream buffer, but if that is not feasible, allow the waivers requested
4 by the church. This option does not reference off site parking opportunities. One of the,
5 but off site parking opportunities were discussed in the Committee meeting the
6 opportunity of running shuttles, of purchasing land elsewhere, of parking on Woodfield
7 Road, all were identified as possible off site solutions to their current conundrum. Option
8 number three is to direct planning staff to work, to continue to work with the church to
9 locate parking in other locations. So that they would not have to deal with, that this issue
10 of imperviousness or stream valley buffers requirements would not be addressed
11 directly here in the plan. And if this is not feasible, they would explore options to locate
12 parking partially or entirely onsite but outside the stream buffer. This proposal calls for
13 planning staff to work with the church to explore options for storm water management
14 that would minimize the cost and impact on environment, rather than allowing it to be
15 built underground in the stream valley buffer. And finally, option four is to indicate that
16 the Planning Board should work with the church to accommodate their needs and
17 possibly grant waivers if need, but not to address specific issues associate with the
18 Church of the Redeemer. And as I said, people are a little uncomfortable with getting
19 into all of the details of this project. I know that the church feels some considerable
20 frustration about the current situation and their need to get some predictability in the
21 development process. Mr. President, I know we haven't allowed community testimony
22 here, but seeing that we have variety of options, I would recommend that we allow
23 Pastor [Shek] and his attorney to come up and just review that with us.

24
25 Council President Leventhal,
26 I appreciate that Ms. Floreen, I'm going to have to see if there is objection. Objection
27 was heard earlier.

28
29 Councilmember Praisner,
30 Same thing, it's a property owner.

31
32 Council President Leventhal,
33 We are hearing objections from colleagues so I'm...

34
35 Councilmember Floreen,
36 Okay, well so, those are the options. I will just to get us rolling here, I think we've done
37 good things in terms of respecting the environment in this plan and frankly generally
38 with respect to what we've done in the RDT zone, where we have said we're going to
39 severely restrict expansions and certainly the ability to rely upon sewer in the RDT
40 zone. I think the message there, the other side of that message is we're going to help
41 you where you are, and this is a situation where I think a church has been onsite
42 probably before we came up with any of these environmental buffers. They were there
43 first. We're going to run a road right next to them, right through the environmental
44 buffers, and I think this is a situation where I think, which I think is unique, and I think we



April 4, 2006

1 need to give them the help and direction that everyone needs here to move this project
2 forward so I'm going to move option one that's proposed on the top of page 38.

3
4 Council President Leventhal,
5 Mr. Knapp I think may be preparing to make that motion but it appears he was
6 seconding Ms. Floreen's motion, and Mr. Knapp please go ahead.

7
8 Councilmember Knapp,
9 No, I thank the Council for their consideration, and I appreciate the church's
10 involvement. This has been about a five year saga for them. And it's been frustrating
11 and I didn't even realize the full extent to what they've been kind of going through until a
12 few months ago myself, where they have kind of been doing the right stuff and trying to
13 play by all the right rules, and had been denied kind of at every turn only to find out that
14 again the same County, not necessarily the same parts of the County that were denying
15 certain things were then improving the development of the road immediately adjacent to
16 the place where they were trying to get their parking lot built. And in fact our actions as it
17 related to building of the road hindered their ability to get the parking taking care of. And
18 so as Ms. Floreen has indicated it is somewhat of a unique set of circumstances. The
19 other thing that we're finally getting to is, I think there are some options on the table be it
20 the waivers that they provided here and the fact that I think some of the adjacent
21 developers is willing to engage in a conversation, that quite honestly we have not been
22 able to get the state or DPWT to have with the church, which is are there some other
23 alternatives or options that they could do jointly with effectively the neighbors in this
24 case being the road, or the people doing the development? And that conversation just
25 hadn't occurred and just wasn't able to occur for reasons that I just couldn't quite
26 fathom, and I tried to get those conversations going on my own and had very little
27 success. And so while I don't think anyone recognizes this at a great thing, I mean, I
28 think we've gone to great lengths to try to limit or make significant protections on the
29 environment, I think that there are circumstances as we've had our discussions over the
30 course of the last year, where we want to try to encourage and our facilitate our faith
31 communities to serve the communities where they are, and they're trying to do that,
32 they're trying to play by all the right rules and every time they try to do it they keep
33 running up against reasons why they can't do that. And I think this is a set of
34 circumstances where we need to go ahead and grant the waivers that have been
35 requested, because I'm not sure that there's any other way to get there from here.

36
37 Council President Leventhal,
38 Ms. Praisner.

39
40 Councilmember Praisner,
41 I agree that this is a challenging site. Obviously that's why the Committee could not
42 come up with one recommendation and there are a variety of issues associated. All of
43 the other actions that we took dealt with the Little Bennett. This is the one action that
44 relates to the Patuxent water shed which is our drinking water so there are other issues
45 associated with it given the Patuxent. I do agree that we should hold the County

April 4, 2006



1 Government to the same standards, which means if the County is going to increase
2 imperviousness by creating pavement, they should say mitigate that by compensating to
3 preserve other lands such that there's no net increase in imperviousness from the
4 County's road, and I would expect, assume, and demand the same kind of commitment
5 to the environment by the County. And I think we should send that same message to
6 the Department of Public Works and Transportation on issues in the east side of the
7 County we've tried to do that. It's through mandatory referral and I would hope that the
8 Park and Planning Commission would take the same kind of tact as we have with State
9 Highway Administration on the issue of Briggs Cheney interchange, where there is no
10 net increase in imperviousness to the upper Paint Branch in this special protection area.
11 That said, I think there are a variety of issues that were before the Committee that we
12 haven't come to closure about and the master plan is the worst place to be having this
13 conversation. For example, there may be space on the parcel toward property owner
14 that may increase their imperviousness but then keep the parking out of the stream
15 buffer area since there are some green space. There are also to my understanding,
16 properties across the street where folks may be parking now that if you had a
17 collaboration with the Department of Public Works and Transportation might facilitate or
18 design the road, whatever road improvement, such that you could continue to facilitate
19 that use of additional parcels which are off site, but we should not leave the impression
20 that they require significant effort to get to the church to use those parcels. There are
21 some religious institutions where their own property has some challenge to access the
22 facility because of the length of distance to get to it. So it would be even closer but off
23 site. So the term "off site" shouldn't carry a connotation although some of the off site
24 options which the staff prepared at our request would be more onerous and not of the
25 discussion. I also think that it's not unprecedented to say that we should say indicate a
26 possible granting of waivers, if in the exhaustion of all these options including working
27 with the Department of Public Works and Transportation on the road project there, and
28 looking at existing land on the parcel there might be a way to configure parking spaces,
29 create new parking spaces that might increase the imperviousness but not put you in
30 the stream buffer area. My concern is associated with the stream buffer and the fact that
31 every effort should be made to avoid the stream buffer including jumping through hoops
32 that might give you more imperviousness outside of the stream buffer area. And my
33 other concern is I don't fully, not being an expert on environmental or construction
34 projects, really fully think we understand or at least I don't, the implications of
35 underground storm water management systems in the Patuxent water shed at this point
36 and this location. And just allowing them, saying that they will be a yes when we don't
37 know what the impacts might be, they may be worse than saying pave the whole rest of
38 the property, to talk about an under ground system in essence disturbing the pavement
39 over ground may be better than digging underground to create a storm water system in
40 this Patuxent area. So, I guess that gets me to not supporting the option one and having
41 more of a preference for option four which does not get us to specificity of saying it's
42 okay to do an under ground storm water management system, when I don't know what
43 an underground storm water management system might do to the water quality
44 questions and issues. Number two, we haven't forced, which I think we should,
45 everybody to come together. I have a less of a problem with saying there should be

April 4, 2006



1 some waiver as an option. We have in the past done that or there may be ways to
2 mitigate impact by again looking at parcels off site that would remain non-developed as
3 a way of exploring this issue. But, I'm not prepared in a master plan to write all of the
4 directives when there are all of these things left outstanding, and where the issue for me
5 is a lack of understanding of the technical implications of taking the Patuxent water shed
6 and allowing an underwater storm management pond at this point, and at this site. So
7 I'm going to oppose the motion not because I'm opposed to the intent of the motion and
8 the direction, but I think the specificity is dangerously precedential, that's right, not
9 Presidential, precedential if that's a word, and I think there are other ways to get there
10 which staff can craft which allows some flexibility, if all other options having been
11 explored, makes it not possible to accommodate the church without directing the
12 Planning Board at this point in the process, to a solution like an underground storm
13 water management system, and all of the other issues that I've just commented on.

14
15 Council President Leventhal,

16 I know Mr. Subin wants to speak. I wonder, Mr. Knapp and Ms. Floreen, whether we
17 could agree with the sense of the language offered by the church since the staff memo
18 here puts under the description of option one, happy a bullet that says allow an
19 underground storm water management system. But when you actually look at the
20 language proposed by the church, it's not that explicit. It says an underground system or
21 equivalent storm water management system i.e.; coordinating with DPWT's project. I
22 wonder whether, if I could just finish my question, I wonder whether since all we're doing
23 here, this is just a work session and the final language is going to come back before us,
24 I wonder, Ms. Praisner, whether it might be possible...

25
26 Councilmember Floreen,

27 I'm sorry, I was trying to work with our...

28
29 Council President Leventhal,

30 I understand, I do understand, but I'm making a suggestion. Whether we could give
31 direction to staff that the primary point here I think of what the church is asking for is
32 they want to be part of what DPWT is already doing on its property, and that DPWT is
33 proposing some mitigation techniques for Woodfield Road extended and they want to
34 be involved in storm water mitigation that is consistent with what DPWT is already going
35 to do. So, I wonder if whether we could not direct staff to look at this language, not be
36 so prescriptive about the underground water storm water management system, which
37 was the language that seemed to cause Ms. Praisner the most concern, and generally
38 suggest that DPWT work with the church to facilitate the parking, and to address the
39 storm water management issues along with the Woodfield Road extended project. But
40 this specific bullet which is highlighted here, the underground storm water management
41 system in the staff memo, I think is more of a red flag in the staff memo than it actually
42 is in the language proposed by the church. So again my suggestion would be is if we
43 can maybe modify Ms. Floreen and Mr. Knapp's motion to be a little less prescriptive
44 about precisely what the storm water management system would consist of, but the



April 4, 2006

1 sense is they would work with DPWT, and maybe that would be agreeable and we
2 could pick up more votes.

3
4 Councilmember Knapp,
5 Or another appropriate organization, whether the adjacent developer may be a way to
6 do it. I mean, I don't necessarily know, given the conversation I've had with DPWT, how
7 open they are to that conversation, I've tried that a couple of different times, and not
8 been very successful, but one of the other things...

9
10 Council President Leventhal,
11 [INAUDIBLE] direction in the master plan, may be they would be a little more agreeable.

12
13 Councilmember Knapp,
14 Maybe, after a few years here I'm not as confident as perhaps I would have been
15 otherwise.

16
17 Council President Leventhal,
18 Unless I missed it we are the County Council.

19
20 Councilmember Knapp,
21 Yeah, but I mean, the other piece that I would want to caution us to do as well is,
22 they've been kind of going around in a circle for about five years now, and anything that
23 we would recommend I would like to put some time of time limit on it, I mean, they've
24 been working at this for five years, and if we could put some 90 day, some time specific
25 period where the people could come together to reach some creative conclusion, or not,
26 and if you can't reach some conclusion, I'm not adverse to necessarily modifying the
27 specifics of an underground storm water management system, I don't know the specifics
28 of how that would relative to anything else, But to give people some time period with
29 which to come up with something or not, and if people can't come up with something in
30 that time period, come back with a grant of a waiver request.

31
32 Councilmember Floreen,
33 The challenge with this and if, I mean, the motion was to incorporate the language
34 requested by the church and I, you're right, that focused it too much on the underground
35 system. But let me just say, though, that is their way of addressing the problem. The
36 storm water management pond right now is in the buffer. That's what that white spot is
37 up on the plan. They have no room and they have been around the block a number of
38 times on this project. They have been denied and that is their problem. How can they
39 move forward without clarification of, and direction, to the decision makers? We did ask
40 for some variety of solutions and we got a laundry list of solutions that really weren't
41 ones that the church was interested in. This is on a hill. This is not a flat piece of land.
42 That's why it's a stream valley, frankly, but that's one of the parking options. They have
43 a plan. They think it's, they have worked hard, they spent plenty of this on trying to
44 accommodate the challenges here, but if you can see, they have very few options
45 realistically. And I think what they are asking us for is some specific direction here. Not



April 4, 2006

1 to go off and study it some more, particularly. But to give some clear direction on these
2 options. So, if the suggestion of the Council President is to include the language
3 requested by the church that is what the motion is, includes that option, Mr. President,
4 but the fact of the matter is they really do need some clear direction on this. They're
5 asking for some very clear direction on this because I, I don't mean to speak for them so
6 much, but my understanding is that they pretty much hit the wall on the options they can
7 see as workable and feasible and, you know, fundable by the church.

8
9 Council President Leventhal,
10 Mr. Subin?

11
12 Councilmember Subin,
13 I guess a delay here to try to get this worked out is mildly acceptable, but what I'm not
14 understanding is, first of all, DPWT should be here.

15
16 [LAUGHTER]

17
18 Councilmember Subin,
19 You probably should have should have slid down in your seat instead of jumped up.
20 Why is it that it's okay for us to take away the impervious surface, but the church can't?

21
22 Bob Simpson,
23 Okay, I can't answer that question. Bob Simpson from Montgomery County Public
24 Works and Transportation. What I can say is that we have tried to work with the church
25 and what we did find in designing the road project and remember that the road project is
26 scheduled to be advertised for bid this summer and go to construction late this year, so
27 we're in the very final stages of design. What we did when looking at the church's
28 property for our storm water management needs and storm drainage and so forth, was
29 that because of their facility was already in the stream buffer, we naturally didn't want to
30 go there. So, when we looked at that whole northern segment of Woodfield Road
31 extended, our design identified that the property immediately to the south of the church,
32 was the best place to locate the storm water management facility for the highway
33 project and, in fact, yes...

34
35 Judy Daniel,
36 On the Burdett property.

37
38 Bob Simpson,
39 Burdett property and right outside of the stream buffer.

40
41 Councilmember Subin,
42 That's a piece of it that's going to be...

43
44 Judy Daniel,
45 RNC 4, TDR 1, Yes.

April 4, 2006



1
2 Bob Simpson,

3 But if you go back to the actual development envelope on the Burdett property, it did not
4 include the area that we're, we have designed our storm water management facility.

5
6 Marlene Michaelson,

7 And we had been contacted by the potential developer, the Burdett property, saying
8 they would be happy to work with the church to explore whether the storm water
9 managements options they're going to put on that property could be expanded to
10 accommodate the church's needs. So, at least we know there is that option, potential
11 option.

12
13 Judy Daniel,

14 We also, internally, have been talking about another option, possibly. Of considering
15 moving the location of the park and ride lot. To somewhere closer to the church
16 property, which maybe would allow them to share it. So, there are some things being
17 discussed that aren't to fruition yet.

18
19 Councilmember Subin,

20 Okay, well, it sounds like there are a number of actors and a number of issues here,
21 many of whom aren't here, some of whom aren't here. It sounds like if there could be an
22 agreement as to the storm water management pond, you know, this thing will go away.
23 What's troubling me, though, is the fact that, I understand they didn't vest their rights but
24 I hope we have a little more empathy for all the rights than the supreme court does is.
25 This plan had been approved, and so everybody knew it was on the books. And now
26 we're going in and basically saying you can't follow through with what we approved.

27
28 Pam Rowe,

29 There actually was, there was a plan approved. What you see here in terms of the
30 parking that they have right now was they were granted a waiver in...

31
32 Judy Daniel,

33 '96.

34
35 Pam Rowe,

36 '96, thank you. And expanded their parking beyond, into the stream buffer. We grant,
37 they asked for a waiver and we granted a waiver in '96 to expand their imperviousness.
38 They're asking for another waiver now to expand it from what they have now which is
39 28% to 40%, which would cover basically everything you see here that's not fluorescent,
40 basically. So, there has been some past approvals to try to work with the church. So, we
41 have a concern about going to 40% imperviousness on this location.

42
43 Judy Daniel,

44 Back to Damascus, it's not only head water confluence, it's policy confluence.



April 4, 2006

1 [LAUGHTER]

2
3 Councilmember Subin,
4 It really is.

5
6 Councilmember Floreen,
7 There it is!

8
9 Councilmember Subin,
10 I was prepared to go ahead and vote for option 1, but I think given that, and I saw
11 Mark's head going, yes, to the, it would be a good solution to combine the two storm
12 water ponds, or systems, so, it probably would be better off if we just bought a little bit of
13 time here.

14
15 Council President Leventhal,
16 Right.

17
18 Marlene Michaelson,
19 And the Council will be coming back again because you have to revisit the bypass
20 issues so we could bring some of this issue back at a later time.

21
22 Councilmember Floreen,
23 Well, what exactly are you suggesting?

24
25 Council President Leventhal,
26 If I may, well, no. 1, I would, I would vote for Ms. Floreen and Mr. Knapp's motion. I'm
27 not sure whether a majority of the Council would and I'm not sure whether, unless we
28 clarify this issue of the nature, none of us really understand what a storm water
29 management process is. So, what, I think our direction to staff is, if I'm stating it
30 correctly, is taking the language, take the church's language on page 37 as a basis. The
31 emphasis should not be on an underground system. We should have a storm water
32 management system and we should immediately get into a serious conversation with
33 DPWT about how we can facilitate the church's needs.

34
35 Councilmember Floreen,
36 And the developer?

37
38 Councilmember Praisner,
39 Let me make a suggestion, we are going to take the bypass issue up. When is it, May
40 5th?

41
42 Marlene Michaelson,
43 May 5th to Committee and then to Council on May 18th.

44
45 Councilmember Praisner,



April 4, 2006

1 So, why not just bring it back then.

2
3 Councilmember Floreen,
4 Good idea.

5
6 Council President Leventhal,
7 Okay, but in the meantime, staff will work with and consult with Councilmembers, so
8 that we can reach agreement on something that addresses the church's needs for
9 additional parking. The clear sense is we want the church to have access to additional
10 parking. I've looked at these options. I don't think it's fair when we are actually taking
11 land for a County road, to then have congregants at the church have to shuttle from a
12 remote site. That's not a desirable option as I read through it. So, we want to facilitate
13 the need for additional parking and we want to facilitate a real conversation with the
14 DPWT.

15
16 Councilmember Praisner,
17 And the adjoining property owner whose developing.

18
19 Council President Leventhal,
20 Well, I understand that, I mean, the concern there as I read is that imposes substantial
21 additional costs on the church, if the church has to buy more land.

22
23 Councilmember Praisner,
24 No, no, no, it would a shared storm water facility based on the development on the
25 Burdett property that could accommodate the church, as well, because of the flow.

26
27 Councilmember Knapp,
28 No, I...

29
30 Council President Leventhal,
31 There is a solution in sight here.

32
33 Councilmember Knapp,
34 And shoot for, have May 5th as the date certain to come back with something, or if you
35 can't get anything, come back and let us know that, and then we have to make a
36 specific decision, but that we have a time certain out there so the church isn't in limbo to
37 that much longer.

38
39 Council President Leventhal,
40 Okay.

41
42 Councilmember Floreen,
43 May 5th?

44
45 Councilmember Knapp,



April 4, 2006

1 Right, okay.

2
3 Council President Leventhal,
4 Okay, so without objection, that would then be the unanimous direction from the Council
5 to the Council session.

6
7 Councilmember Floreen,
8 And what would be looking for is specific language that accommodates their needs.
9 Okay.

10
11 Councilmember Praisner,
12 A specific solution may not need language.

13
14 Councilmember Floreen,
15 Well, whatever. Okay. Our green technology is the next item. We're all for it, but not in
16 the master plan. And then finally, sewer recommendations, you do have this handy
17 chart that Mr. Soukop passed out earlier, I don't know if Mr. Soukop has...

18
19 Marlene Michaelson,
20 He had to leave, he will come back, but...

21
22 Councilmember Floreen,
23 But basically, this is part of the challenge of Damascus. This is an old community, and it
24 has some expectation of failing septic systems. The idea here is to adopt a public sewer
25 service envelope that's clear, understandable and straight forward for all. And that's
26 what the Committee recommends, that we adopt language that says clearly that
27 additional service areas are to be sewered, because of the anticipated health hazards
28 associated with failing septic systems and adopting a graphic to be very clear about
29 this. This encompasses about 250 additional properties that based on their analysis,
30 they expect public sewer service to be needed for, over the life of this plan. So,
31 hopefully this will eliminate the need for future T&E debates over, Committee debates
32 over the edges and so forth.

33
34 Council President Leventhal,
35 Mrs. Praisner had a question, Marlene, go ahead.

36
37 Marlene Michaelson,
38 And I just want to note that the staffs are working together to tighten up all of the sewer
39 language, both about some of the environmental issues, the failing septic systems and
40 wherever there is a lack of clarity and we will bring that back to you as part of the
41 resolution.

42
43 Councilmember Praisner,
44 That's what I, I was basically going to say. I think it's important when we create the
45 sewer envelope, some of this is as a function of anticipation of failed septic systems, not



April 4, 2006

1 intended to have these properties have a capacity for rezoning, that the sewer would
2 generate the rezoning. It's to provide that safety health envelope. And that's where I
3 think the language needs to be very clear about what it does not do as much as what it
4 does do when you create a broader sewer envelope. Folks might think it's an invitation
5 to develop or come in with a application for redevelopment.

6
7 Councilmember Floreen,
8 Absolutely.

9
10 Council President Leventhal,
11 So, with that, that's the Committee recommendation for the Damascus Master Plan,
12 short of the transportation element. Okay. Then we will move to the Damascus Master
13 Plan transportation elements.

14
15 Councilmember Floreen,
16 Mr. Orlin has joined us. This really isn't the usual exciting transportation debate that the
17 Council typically enjoys. We've put the hard one off. Can't wait for may 5th and may
18 18th, but basically the, as we said earlier, the bypass issue, we've asked for further
19 conversation with the community and that will be coming back to us. The, Mr. Hardy and
20 planning's Mr. Orlin, commit to us that the master plan will be in balance, if it's master
21 planned transportation facilities and anticipated development occurs. Of course, we're
22 not thinking much about Howard Carroll and Frederick Counties. But I think even with
23 that, you looked at that issue and relatively comfortable with the way the numbers fall
24 out.

25
26 Glenn Orlin,
27 Within the time frame of the plan.

28
29 Councilmember Floreen,
30 Yes, within the time frame of the plan. And that's why the plan in the Committee
31 supports the draw plan that identifies that we're going to stick to a two-lane road policy
32 in Damascus. There will be additional auxiliary lanes periodically for turning,
33 acceleration or parking. But this is not going to be a community that is served by busy
34 four-lane highways, at least over the life of this plan. The proposal is that Maryland,
35 Ridge Road will retain a right-of-way of 100 feet, right? That would permit an ultimate
36 expansion, if necessary, after the life of the plan. To be a four-lane road, but not within
37 the life of this plan. So, there are some locations where there may need to be three
38 lanes, primarily where this would accommodate turning and the like, but basically the
39 fundamental policy of the Damascus plan is to keep it as a country town, really and
40 that's ensured by the two-lane road policy. The one roadway issue to the extent that it's
41 an issue is to revise the current Damascus Boulevard, which is a planned road running
42 from Maryland 27 over to 124 south of Main Street. It was going to be more of a
43 Boulevard, we're turning it into a lane with a sidewalk. Really we're just changing the
44 character of that to a more community-based narrow road. DPWT did not agree, but we
45 said oh well. That is should be a more community-based, not a heavily-trafficked



April 4, 2006

1 roadway. Glenn has some roadway classification issues for us. That the Committee
2 recommends as part of his effort, continual effort to educate the Council about what Mr.
3 Orlin does when he's not moving money around in the budget.

4
5 Councilmember Praisner,
6 He's rewriting the road code.

7
8 Councilmember Floreen,
9 Yes, and the time is running out, I must say.

10
11 Councilmember Praisner,
12 Yeah!

13
14 Councilmember Floreen,
15 Oak Drive/Valley Park Drive, we recommend a realignment of Oak Drive, straight
16 across, you don't, nobody can follow this because there's no, the people with the maps
17 shut down, I see.

18
19 Judy Daniel,
20 The computer was overheating, the projector bulb.

21
22 Councilmember Floreen,
23 Anyway, this proposes a realignment of Oak Drive that would be a straight shot across
24 27 over to the Rec. Center.

25
26 Council President Leventhal,
27 I would just observe, it's better to have the computer overheat than to have the Council
28 overheat because we've seen both at various times.

29
30 Judy Daniel,
31 Yes, sir!

32
33 [LAUGHTER]

34
35 Councilmember Floreen,
36 Good point! And what, this really would change Oak Drive to meet Valley Park Drive at
37 Ridge Road and basically it will create a "T" intersection and eliminate the
38 uncomfortable turn of Oak Drive onto Route 27. And we've recommended additional
39 language that the plan will look at, will recommend looking at an improved pedestrian
40 crossing of ridge road at this location. I'm not sure we're going to need to go into this in
41 any great detail, but the issue is access from townhouses to the school and Recreation
42 Center across the run. With respect to our country roads, we recommend that Howard
43 Chapel Drive be designated as a country road. And, let's see here.

44
45 Glenn Orlin,



April 4, 2006

1 Kings Valley Road would be also a country road.

2
3 Councilmember Floreen,
4 Kings Valley Road... I think we disagreed with you on this, Glenn, so, I'm treading
5 carefully. King's Valley Road, I think we said it should remain as a country road, as well.

6
7 Glenn Orlin,
8 Correct.

9
10 Councilmember Floreen,
11 Park and Ride lot, we recommend that there should be one with no less than 200
12 spaces and about two acres up on, higher up Route 27 at the Ridge Road and Maryland
13 80 intersection, which is north, above Damascus. We did not think, and finally, we didn't
14 think that this is the place for parking districts. So we took out references to such a
15 district in Damascus. Anything else, Glenn? Okie doke. That's the plan. Then finally the
16 text amendments.

17
18 Councilmember Praisner,
19 Thank you, Glenn.

20
21 Councilmember Floreen,
22 Good job, Glenn.

23
24 Unidentified Speakers,
25 Glenn, thank you, by the way!

26
27 Council President Leventhal,
28 Eloquent, eloquent!

29
30 [LAUGHTER]

31
32 Unidentified Speaker,
33 [INAUDIBLE]

34
35 Councilmember Floreen,
36 We've got three text amendments to implement the plan recommendations here. There
37 is one more in the works, which is the MXTTC TDR zones, because we didn't have, we're
38 going to see how many acronyms we can get in the name of the zone and that pretty
39 much gets us to the top. We've looked over, Mr. Denis, I think we could do better, based
40 on Mr. Denis' list. In any event, we have worked through these text amendments to
41 significant degree within the, for the Rural Village Center overlay zone. We've worked
42 through a lot of the language. We've worked through the density issues here and the
43 uses. Basically the issue, as I said at the very beginning, was to implement
44 recommendations for Browningsville, Etchison and Purdum. These are not huge issues,
45 but to make sure that whatever occurs there is sensitive to the location, the scale and



April 4, 2006

1 use within the particular location. So, unless people have, want to go into the details, I'm
2 just going to move on to the Mixed Use Town Center Zone. That zone really is, is the
3 continuation of really Olney here, to get us into the business of looking at pretty much
4 form-based design and uses. It mixes uses. It allows residential. It allows for plenty of
5 waivers. What's in the zone to accommodate the needs of the particular use as well as
6 to employ our compatibility standards to make sure that what's proposed is in sync, is of
7 the appropriate scale in operational elements of the existing community, this is an
8 interesting effort in Olney because we are adding residential uses, throughout the town
9 center. And what we do not have at this point is the part that addresses a couple of
10 locations where we believe TDRs would be appropriate. So, that's a somewhat more
11 challenging drafting effort, I think, but we will get that language, will we get that before,
12 in May? At the Committee?

13
14 Marlene Michaelson,
15 Definitely in time for the SMAs is the timing, but we will try to work towards May.

16
17 Councilmember Floreen,
18 But that is the basic premise. That the TDR element will be added in later. Because that
19 was a last-minute recommendation of the Committee. As I said, the whole idea here is
20 flexibility and sensitivity. And that, as with the Rural Village Zone, language on, that's
21 the mixed use Town Center zone language. And then finally the rural neighborhood
22 cluster zone TDR option is, is designed to implement really the transition property
23 recommendations. Again, there is quite a bit of cleanup that some of the drafting
24 required and you can see all the details addressed by staff on circle 1 and circle 2. But
25 basically it's simply an adjustment to create, permit the receipt of TDRs under the
26 direction of the Council where designated in the master plan. No big surprises through
27 any of this. And with that, I bring you the Damascus Master Plan.

28
29 Council President Leventhal,
30 All right!

31
32 Councilmember Floreen,
33 Mrs. Praisner, do you want to say anything more?

34
35 Council President Leventhal,
36 So, Marlene we'll go to final passage of the ZTA's when we do the passage of the final
37 passage of the language of the plan. Well, that would be it then for today. The County
38 Council, do we require recorded straw vote now, or without objection assume all of this
39 is agreed to.

40
41 Marlene Michaelson,
42 Right. You don't need any formal vote.

43
44 Council President Leventhal,



April 4, 2006

1 There's no hand vote required. The Council will next meet tomorrow afternoon,
2 Wednesday afternoon at 1:30 for a public hearing on the FY '07 Operating Budget. We
3 have tomorrow afternoon at 1:30, and tomorrow night, Wednesday night, at 7:00 p.m.,
4 and then Thursday night at 7:00 p.m. Mr. Knapp?

5
6 Councilmember Knapp,
7 [INAUDIBLE]

8
9 Council President Leventhal,
10 They, I think the 1:30 hearing, is it here...

11
12 Councilmember Praisner,
13 They're usually on the third floor. I don't know.

14
15 Council President Leventhal,
16 Well, the afternoon hearing, does anyone know? We will have to get word -- we will
17 have to get word to you.

18
19 Councilmember Praisner,
20 Go downstairs. Yeah, I -- may I comment? I will not be at...

21
22 Council President Leventhal,
23 Mrs. Praisner?

24
25 Councilmember Praisner,
26 I will not be at the Thursday public hearing in the evening. Neither will the Council
27 President, we'll be in New York for the trip on the bond reading beg-a-thon, so to speak!
28 So I wanted that noted.

29
30 Council President Leventhal,
31 All right, the County Council is adjourned. Thank you.